

By Mr. WEBB: Petition of Grassland Council, No. 209, Altamont, N. C., for more stringent immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of North Carolina Society of New York, for the Appalachian forest reserve bill; to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of John Larue; to the Committee on Invalid Pensions.

Also, petition of Washington Camp No. 14, Patriotic Order Sons of America, Trenton, N. J., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of C. H. Rumford and other citizens of Trenton, N. J., for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Daniel Willets, of Trenton, N. J., and other members of the Society of Friends in America, deploring the proposal to fortify the Panama Canal and favoring its neutralization by international agreement; to the Committee on Military Affairs.

SENATE.

THURSDAY, February 9, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CREDENTIALS.

Mr. NEWLANDS presented the credentials of GEORGE S. NIXON, chosen by the Legislature of the State of Nevada a Senator from that State for the term beginning March 4, 1911, which were ordered to be filed.

Mr. TAYLOR presented the credentials of LUKE LEA, chosen by the Legislature of the State of Tennessee a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

COURTS IN IDAHO AND WYOMING.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898, which was to strike out all after the enacting clause and insert:

That section 3 of "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved June 1, 1898, be amended so as to read as follows:

"SEC. 3. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Shoshone, Kootenai, and Bonner shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Latah, Nez Perce, and Idaho shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida shall constitute the eastern division of said district."

SEC. 2. That section 6 of said act as amended by the act approved June 1, 1898, be amended so as to read as follows:

"SEC. 6. That the terms of the district court for the northern division of the State of Idaho shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October; and the provision of any statute now existing providing for the holding of said terms on any day contrary to this act is hereby repealed; and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed."

"That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of the said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City."

Mr. HEYBURN. I move that the Senate concur in the House amendment.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln; and

S. 9552. An act to authorize the construction of a bridge across St. John River, Me.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint memorial praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Oregon, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and Barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn, except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor and other acquisitions of territory except the Oregon country, were purchased and paid for out of the National Treasury; but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters, and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and co-worker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land, and the buildings which it does not require for use, as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian, Christian college, intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance, as the country surrounding it shall advance in all the ways that mark the development of arts and sciences. No more fitting monument has been erected, nor to a worthier man.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners,

and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Adopted by the house January 23, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 1, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof, which was adopted by the house January 23, 1911, and concurred in by the senate February 1, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 3d day of February, A. D. 1911.

[SEAL.]

F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a telegram from the Legislature of the State of Washington, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

OLYMPIA, February 8-9, 1911.

The SECRETARY OF THE SENATE,

Washington, D. C.:

Following passed Washington Legislature to-day:

"House joint resolution 15.

"To the honorable Senate and House of Representatives of the United States in Congress assembled:

"Your memorialists, the senate and the house of representatives of the State of Washington, in legislative session assembled, would most respectfully represent—

"Whereas congressional action with reference to the revision of the tariff seems more or less probable; and

"Whereas contemplated congressional action with reference to the tariff involves and concerns certain industries of the Pacific coast and the State of Washington; and

"Whereas the continued prosperity and well-being of the State of Washington is to a large extent involved by the contemplated tariff revision:

"Now, therefore, your memorialists, in the name of the people of the State of Washington, and speaking in behalf of the State and the entire Pacific slope, we earnestly and respectfully petition and urge that no congressional action be taken with reference to the revision of the tariff without careful consideration of the industries of the western portion of the United States, and particularly of the northwestern portion. Your memorialists further urgently and earnestly petition and urge that the interests so vital to the welfare of the State of Washington and the Pacific Northwest are entitled to the same full consideration and thorough review by a nonpartisan, unbiased tariff board as are all other industries of the Nation, and for that reason and in that behalf your memorialists urge congressional action accordingly, and that no action be taken without such consideration and review."

LOREN GRINSTEAD,
Chief Clerk of the House.

The VICE PRESIDENT presented a petition of the Municipal Council of San Juan, P. R., praying for the adoption of certain proposed amendments to the so-called Olmsted bill to provide a civil government for Porto Rico, and for other purposes, which was ordered to lie on the table.

Mr. GALLINGER presented memorials of the State Grange, Patrons of Husbandry, representing 30,000 members; of the Congress of the Knights of Labor; and of the Board of Trade of Berlin, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Washington Camp No. 1, Patriotic Order Sons of America, of Keene, N. H.; of John P. Hale Council, Junior Order United American Mechanics, of Barrington, N. H.; and of Orient Council, Junior Order United American Mechanics, of Newton, N. H., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Wesley B. Knight Post, Department of New Hampshire, Grand Army of the Republic, of Derry and Londonderry, N. H., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. PERKINS. I present a joint resolution, adopted by the Legislature of the State of California, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

SACRAMENTO, CAL., February 8, 1911.

Hon. GEORGE C. PERKINS,

United States Senator from California, Washington, D. C.

SIR: I am hereby directed to transmit the following joint resolution, passed unanimously this 8th day of February, 1911:

"Senate joint resolution 17, introduced by Senator Stetson, relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

"Whereas there is pending before the Senate of the United States a joint resolution providing for the amendment of the Constitution of the United States permitting the popular election of United States Senators; and

"Whereas the people of the State of California have already indicated a desire to elect United States Senators directly: Now, therefore, be it
"Resolved by the senate and assembly of the State of California jointly, That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution and the Senate of the United States to pass the same; and be it further
"Resolved, That the Secretary of the Senate be, and he is hereby, directed to transmit this resolution by telegraph to each of the said United States Senators and to the President of the United States Senate."

WALTER N. PARRISH,
Secretary of Senate.

Mr. PERKINS presented petitions of sundry citizens of California, praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

Mr. CULLOM presented a memorial of the Board of Trade of Peoria, Ill., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of Maine Lodge, No. 545, Brotherhood of Railroad Trainmen, of East St. Louis, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union, Farmers' Educational and Cooperative Union of America, of Pinckneyville, Ill., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Mackinaw, Ill., and a memorial of the National Board of Directors of the Travelers' Protective Association of Springfield, Ill., remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented a memorial of Franklin County Bar Association, of Columbus, Ohio, remonstrating against the enactment of legislation providing for holding two terms each year of the circuit and district courts of the southern district of Ohio, at the city of Portsmouth, Ohio, which was referred to the Committee on the Judiciary.

Mr. CUMMINS presented memorials of sundry citizens of West Branch, Hynes, Richland, Hesper, Kanawha, Grinnell, Marshalltown, Hillsboro, New Providence, New Sharon, and Casey, all in the State of Iowa, remonstrating against any appropriation being made for the fortification of the Panama Canal, which were referred to the Committee on Inter-oceanic Canals.

Mr. OLIVER. I present a communication from the master of the Pennsylvania State Grange, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the communication was read and referred to the Committee on Foreign Relations, as follows:

PENNSYLVANIA STATE GRANGE, PATRONS OF HUSBANDRY,
Catawissa, Pa., February 7, 1911.

Hon. GEORGE T. OLIVER,

Washington, D. C.

DEAR SIR: On behalf of the organized farmers of Pennsylvania, I hereby enter our protest against the Canadian reciprocity treaty which puts farm products on the free list while making practically no reduction on high protection on manufactured articles.

Respectfully submitted,

WILLIAM T. CREAMY,
Master of Pennsylvania State Grange.

Mr. BRISTOW. I present a telegram from the chief clerk of the senate of the State of Kansas, which I ask may be read and ordered to lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

TOPEKA, KANS., February 8, 1911.

Hon. J. L. BRISTOW,

United States Senate, Washington, D. C.:

I have the honor to inform you that the senate this afternoon passed house joint resolution No. 8, requesting Kansas Senators and Representatives in Congress to vote for amendment to Constitution providing for election of United States Senators by direct vote of the people.

EARL AKERS, *Chief Clerk.*

Mr. CRAWFORD. I present a communication from the secretary of the South Dakota State Union of the American Society of Equity, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the communication was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE AMERICAN SOCIETY OF EQUITY,
OFFICE OF THE SOUTH DAKOTA STATE UNION,
Milbank, S. Dak., February 2, 1911.

Hon. ROBERT J. GAMBLE and COE I. CRAWFORD,
Washington, D. C.

GENTLEMEN: As secretary of the South Dakota State Union, of the American Society of Equity, I address you in the interests of the

farmers of South Dakota in regard to the reciprocity treaty arguments presented by the President.

The farmers of the Northwest, viz, North and South Dakota and Minnesota, are truly and rightly alarmed at some of the things advocated in this measure.

Especially that of putting wheat on the free list, as we see in this nothing but a measure in the interests of the speculators and milling combines against the grain growers of the United States.

The grain growers of the West and Northwest have organized themselves for profitable prices for farm products, and the farmers for the past three years have been able to see the benefits derived from their organization for controlled marketing to produce profitable prices.

The millers and speculators find that farmers do not dump all their crop on the market as formerly, regardless of demand or price. So that they (the speculators) can not now, as formerly, claim oversupply and pound down the prices at the expense of the grower. Until said speculators have the crop in their hands, when, lo! a change. A great shortage! and prices go up with a bound. But not for the benefit of the grower, but of the speculator.

Speculators and millers want Canadian wheat free simply that they may load our markets and cry overproduction to lower the price at the expense of farmers of the United States.

Gentlemen, you represent an agricultural State, and we certainly expect you to work and vote in the interest of your constituents, and shall expect you to vote against the removal of the tariff on wheat.

We also would call your attention to the bill looking to a reduction of the tax on oleomargarine, a move in the interests of the packing combines against the dairy interests of the country. Work and vote against any reduction of tax.

Very truly, yours,

W. I. LOTHIAN,
Secretary South Dakota Union,
American Society of Equity.

Mr. CRAWFORD presented petitions of Local Lodges No. 1415, of Brookings; No. 719, of Westport; No. 1184, of Carpenter; No. 740, of Michael; No. 1155, of Riverside; No. 13333, of Howard; No. 521, of Blunt; No. 644, of Yankton; No. 1354, of Sturgis; No. 602, of Elk Point; No. 590, of Monroe; No. 631, of Crooks; No. 559, of Huron; No. 2405, of Murdo; No. 752, of Spearfish; No. 599, of Madison; No. 2452, of Reville; No. 544, of Pierre; and No. 537, of Sioux Falls, all of the Modern Brotherhood of America, in the State of South Dakota, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Stony Butt, Vivian, McClure, and Chamberlain, in the State of South Dakota, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. GRONNA. I present a petition signed by a large number of members of the North Dakota Press Association and the North Dakota Ben Franklin Club, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the petition was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Hon. A. J. GRONNA, Washington, D. C.

DEAR SIR: We, the members of the North Dakota Press Association and the North Dakota Ben Franklin Club, in joint assembly in the city of Grand Forks, N. Dak., January 20, 1911, petition you and the honorable Senators to use your vote and every endeavor to secure the passage of the Nelson-Tou Velle bill which will do away the free Government printing of return cards on stamped envelopes for firms and individuals. We look upon this bill as of direct importance to every printer in the Nation, and will thank you for every endeavor which you may put forth in behalf of the printing fraternity of this and of every other State in the Nation.

We are not opposed to the stamped envelope with the blank return request, but we are determinedly opposed to the special return request for firms and individuals, which is printed by the Government without cost; sales are solicited at the expense of the Government, and the entire matter is a donation by the Government to that class of business which is the most able to pay the cost of this work. We look upon it as an unwarranted burden upon the Post Office Department, which is annually confronted with a deficit.

The free-printed return card for individuals and firms is now and always has been beyond the reach of the poor and uneducated, and does not contribute to the efficiency of the postal service. Business men alone can order the special-request stamped envelopes, not possible to be obtained in less than 500 lots, and they would use the return request anyway. Stamped envelopes as now furnished are manufactured and sold to the public under the provisions of the act of July 12, 1876, which reads as follows:

"The Postmaster General shall provide suitable letter and newspaper envelopes * * * and with postage stamps with such device and of such suitable denominations as he may direct impressed thereon; and such envelopes shall be known as 'stamped envelopes,' and shall be sold as nearly as may at the cost of procuring them (including all salaries, clerk hire, and other expenses connected therewith) with the addition of the value of the postage stamps impressed thereon."

This law, it would seem, is being continually and persistently violated, for the reason that the "other expenses connected therewith" in the sales of stamped envelopes does not include the cost of delivery. The Post Office Department estimates that less than 100,000 corporations, firms, and business men are customers of this favored free subsidy, which is less than one-half of 1 per cent of the general public

using stamped envelopes of all kinds. We believe this an inexcusable subsidy for that portion of the public which is best able to pay for what they get, and the better they can afford to pay, the greater is their benefit by this subsidy, and by just as much as this is a benefit to them, by just so much is this a burden upon the consumers of all stamped envelopes and upon the tax bearers of the country, for it is they who must support the postal service.

The manufacture, printing, and sale of individually printed stamped envelopes can not be restored to the allied printing, publishing, and paper trades of the country where, as the Post Office Department has admitted "it belongs," unless some one pays for the printing, the distribution, the selling, and the sales promotion generally which are now done free. Any business man who is not willing to pay a fair competitive price for his individually printed stamped envelopes ought to urge the passage of this bill, and frankly give as his reason that he wants to continue to enjoy this Government subsidy which so preponderating a proportion of his fellow business men and the public generally have to pay for in order that he may enjoy it.

We believe the practice of the Post Office Department has built up a monopoly in stamped envelopes. At present there is no competition in bidding for this Government contract, and we believe this affords the best illustration of the eagerness and the power of special privilege to perpetuate itself possibly that could be. We believe the practice of the Government is an outrage and is robbing newspapers and printers of much that is due them, and that this wrong should be righted.

Thanking you for anything which you may do of benefit to the printing and publishing business, of which we are representatives, and that we can count upon your assistance in favor of the Nelson-Tou Velle bill, we subscribe ourselves as follows:

Mr. BURKETT presented a petition of the Central Labor Union of Omaha, Nebr., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. WETMORE. I present a memorial of members of the House of Representatives of the State of Rhode Island and Providence Plantations, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NEWPORT, R. I., February 6, 1911.

DEAR SIR: We, as representatives of the fishing interests in and about Newport, as also vessel owners, producers and handlers of fish in this vicinity, wish to call to your attention the fact that the said fishing interests in and about Newport are heartily in sympathy with the people of Gloucester in their effort to defeat the free fish schedule included in the recent reciprocity agreement between Canada and the United States, and will do all in their power to assist them in preventing the proposed agreement in regard to free fish from being enacted into law.

The interests which we represent would respectfully request that you use all your influence on the floor of the Senate to defeat this section of the proposed agreement.

Very respectfully, yours,

FLETCHER W. LAWTON,
HENRY L. LITTLEFIELD,
HENRY C. WILCOX,

Members of the House of Representatives
of the State of Rhode Island and Providence Plantations.

Hon. GEORGE PEARODY WETMORE,
United States Senate, Washington, D. C.

Mr. BOURNE. I present a telegram from the secretary of the Oregon Wool Growers' Association, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

PENDLETON, OREG., February 8, 1911.

Hon. JONATHAN BOURNE,
United States Senate, Washington, D. C.:

Under pending reciprocity treaty with Canada sheep are placed on free list, dressed meats taxed 1½ cents per pound. This protects packers, but not consumer or sheep breeder. If Canadian sheep are admitted free, they will bring millions of pounds of free wool with them. Oregon Wool Growers' Association protests most vigorously against admission of free sheep from Canada.

DAN P. SMYTHE, Secretary.

Mr. FLINT. I present a telegram from the Legislature of the State of California, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SACRAMENTO, CAL., February 8, 1911.

Hon. FRANK P. FLINT,
United States Senator from California,
Washington, D. C.

SIR: I am hereby directed to transmit the following joint resolution passed unanimously this 8th day of February, 1911:

"Senate joint resolution 17, introduced by Senator Stetson, relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

"Whereas there is pending before the Senate of the United States a joint resolution providing for the amendment of the Constitution of the United States permitting the popular election of United States Senators; and

"Whereas the people of the State of California have already indicated a desire to elect United States Senators directly: Now, therefore, be it Resolved by the Senate and Assembly of the State of California jointly, That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution and the Senate of the United States to pass the same; and be it further

"Resolved, That the secretary of the senate be, and he is hereby, directed to transmit this resolution by telegraph to each of the said United States Senators and to the President of the United States Senate."

WALTER N. PARRISH,
Secretary of Senate.

Mr. LODGE. I present telegrams in the nature of memorials from the master and executive committee of the Massachusetts State Grange, Patrons of Husbandry, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorials were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WESTFIELD, MASS., February 5, 1911.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

Massachusetts State Grange earnestly protests against Canadian reciprocity treaty. Massachusetts farmers very strongly opposed. Letter follows.

CHAS. M. GARNER,
Master Massachusetts State Grange.

STURBRIDGE, VIA WORCESTER, MASS.,
February 5, 1911.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

The farmers need your support. We oppose the present plan of reciprocity with Canada.

GEORGE S. LADD,
Chairman Executive Committee, Massachusetts State Grange,
for the Committee.

Mr. LODGE. I present a memorial of the Board of Trade of Provincetown, Mass., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas a commission has been appointed by the Government of the United States and the Dominion of Canada to formulate a treaty of reciprocity between the said countries; and

Whereas there is a great likelihood that by the terms of this treaty the duties on fish imported from Canada into this country will be reduced; and

Whereas everything that enters into the manufacture and production of our fish products is highly protected; and

Whereas the profits on our fish products are too small to enable us to successfully compete with our Canadian neighbors if the duty on fish and fish products is reduced, for the reason that labor costs are so much lower in Canada than in this country, and also for the reason of the nearness of the fishing grounds to Canada: Therefore be it

Resolved, That the Provincetown Board of Trade in meeting assembled, believing that the reduction of duties on fish or fish products from Canada into the United States would be ruinous to the fishing industry and to the town of Provincetown as a whole, do hereby protest against any reduction of the present duty on any kind of fish or fish products brought into the United States from Canada, and we urge the United States Government to take such action as will prevent the ratification of a treaty of reciprocity containing any clause, schedule, or section that will reduce the existing duties on fish or fish products; and it is

Further resolved, That a copy of this resolution be sent to the Senators and Congressmen from Massachusetts at Washington and that they be urged to use their utmost endeavors to prevent any action which would mean the ruin of the only industry of Provincetown.

Adopted January 30, 1911.

PROVINCETOWN BOARD OF TRADE,
J. F. SNOW, Secretary,
Per P. A. WHOLF.

Mr. LODGE. I present a resolution adopted by the National Grange, Patrons of Husbandry, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

HON. HENRY CABOT LODGE,
1765 Massachusetts Avenue, Washington, D. C.:

The National Grange earnestly protests against Canadian reciprocity bill, which puts farm products on free list, while making practically no reduction in high tariff on manufactured articles. Bill subjects our farmers to unfair competition of cheap Canadian farm lands. Will greatly injure farming industry. Will increase farm values in Canada and reduce value of farms in this country. Farmers unanimously opposed to bill.

M. J. BATCHELDER,
AARON JONES,
T. C. ATKESON,

Legislative Committee National Grange, Concord, N. H.

Mr. SCOTT presented a petition of Kelly Post, No. 111, Grand Army of the Republic, Department of West Virginia, of Kingwood, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. BORAH presented a memorial of sundry citizens of Carey, Idaho, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. McCUMBER presented a petition of the North Dakota Press Association and the Ben Franklin Club of North Dakota, praying for the enactment of legislation to prohibit the printing of

certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Grand Forks, York, Fargo, Inkster, Bottineau, and Crary, all in the State of North Dakota, praying that an investigation be made into the affairs of all wireless-telegraph companies in the United States, which were referred to the Committee on Commerce.

Mr. GAMBLE presented a petition of Local Lodge No. 1415, Modern Brotherhood of America, of Brookings, S. Dak., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of the Pattern Makers' Association, of Bridgeport, Conn., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Pattern Makers' Association, of Bridgeport, Conn., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry Irish-American citizens of Bridgeport, Conn., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. WATSON presented a petition of Reno Post, No. 7, Grand Army of the Republic, Department of West Virginia, of Grafton, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of C. C. Martin & Co., of Parkersburg, W. Va., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. PILES presented a petition of Washington Camp No. 1, Patriotic Order Sons of America, of Tacoma, Wash., and a petition of the Washington State Federation of Labor, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. SHIVELY presented petitions of Federal Labor Union, Local No. 12868, American Federation of Labor, of Bedford; of Local Council No. 14, Junior Order of United American Mechanics, of Dunkirk; and of the South Bend Central Labor Union, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. TILLMAN presented a petition of sundry employees of the United States navy yard at Charleston, S. C., praying for the enactment of legislation providing for an increase of 25 per cent in the salaries of classified employees at the navy yards and naval stations of the United States, which was referred to the Committee on Naval Affairs.

Mr. RAYNER presented a memorial of the Sandy Spring Monthly Meeting of Friends of Maryland, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

He also presented petitions of Arundel Council, No. 155, of Odenton; Wabash Council, No. 73, of Baltimore; of Evening Star Council, No. 3, of Hillsdale, all of the Junior Order United American Mechanics; of Washington Camps Nos. 17, of Frederick; 48, of Stevensville; and 67, of Baltimore, all of the Patriotic Order Sons of America; and of Golden Rule Council, No. 65, Daughters of America, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CARTER. I present a joint memorial of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the joint memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas we believe it to be the everlasting benefit and advantage of the State of Montana and its people, and to the best interests of the Nation at large, that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted: Now, therefore, be it

Resolved (the house of representatives concurring), That we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, open for settlement the lands

embraced within the Crow Reservation, situated in the southeastern portion of the State of Montana.

Resolved further, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, *President of the Senate*.
W. W. McDOWELL, *Speaker of the House*.

Approved, January 23, 1911.

EDWIN L. NORRIS, *Governor*.

Filed January 23, 1911.

A. N. YODER, *Secretary of State*.

UNITED STATES OF AMERICA, *State of Montana*, ss:

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 1, relating to the opening of the Crow Reservation for settlement, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 23d day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 23d day of January, A. D. 1911.

A. N. YODER, *Secretary of State*.

Mr. CARTER. I present a joint memorial of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas the settlers under the Lower Yellowstone project, Montana and North Dakota, executed and delivered to the Lower Yellowstone Water Users' Association, a corporation, a contract subscribing for stock in said corporation, which empowered such corporation, under the directions of the Secretary of the Interior, to sell their homesteads unless the owners make application for water rights, and comply with the provisions of the act of Congress of June 17, 1902, and that such contracts were executed with the understanding that the cost of the project to them should not exceed \$30 per acre of their holdings; and

Whereas the cost of construction of said project has exceeded the original estimated cost \$750,000, increasing the cost thereof to the settlers to \$42.50 per acre; and

Whereas five years' time is required for a settler to level and fit his homestead for successful irrigation and the profitable production of crops thereon, so as to enable him to make the required annual payments of maintenance and cost of construction therefrom; and

Whereas the settlers of the Lower Yellowstone project experienced severe crop failure during the past season, the land returning in many instances less than the seed, and many of said settlers are in straitened financial condition; and

Whereas the banks and merchants along the Lower Yellowstone project are unable to advance further credit to said settlers; and

Whereas it is entirely impossible for said settlers to pay to the Government the annual installments for construction until they are able to take the same from the soil; and

Whereas many settlers, prior to the initiation of said project had secured from the Government tracts of land embracing more than 80 acres, and the Secretary of the Interior, by his ruling, has required such settlers to reduce their holdings to 80-acre tracts, the same being adopted as the farm unit under said project by him, which said ruling the said settlers denounce as unjust and demand that the same be abrogated: Now, therefore, be it

Resolved (the house concurring), That we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation at as early date as possible, providing that the settlers under said Lower Yellowstone project shall not be required to pay any installment upon the cost of construction of said project before the 1st day of December, 1914, and that upon said date the first annual installment therefor be required, and that thereafter the annual installments upon the cost of said construction shall be payable on or before the 1st day of December of each year until said cost is fully paid; that the payment of maintenance charges, including those now accrued, shall not be required until the 1st day of December, 1911, when a payment of \$1 per acre be required, and that thereafter the annual charge of \$1 per acre for maintenance be required, to be paid upon the 1st day of December of each year; and that said legislation shall provide, further, that such settlers under said project, who acquired from the Government, prior to the institution thereof, tracts of land embracing more than 80 acres of land, be permitted to hold the same under the project, not exceeding 160 acres each, and be enabled to acquire water rights thereunder for the whole of such holdings:

Further resolved, That a copy of this memorial be forwarded by the secretary of state to the President of the United States, and the Secretary of the Interior, and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, *President of the Senate*.
W. W. McDOWELL, *Speaker of the House*.

Approved January 23, 1911.

EDWIN L. NORRIS, *Governor*.

Filed January 23, 1911.

A. N. YODER, *Secretary of State*.

UNITED STATES OF AMERICA, *State of Montana*, ss:

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of Senate joint memorial No. 2, petitioning Congress to relieve settlers of the Lower Yellowstone project in Montana and North Dakota, enacted by the Twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 23d day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 24th day of January, A. D. 1911.

[SEAL.]

A. N. YODER, *Secretary of State*.

Mr. CARTER. I present a joint resolution of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint resolution 3.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas it was the manifest intention of Congress when the Territory of Montana was admitted into the Union as a State to set aside and donate public lands to aid in the establishment of all public institutions, following a long-established precedent; and

Whereas it is the desire of the people of the State of Montana to establish a hospital for the care and treatment of indigent persons in said State who are suffering from tuberculosis: Now, therefore, be it

Resolved, That we, your memorialists, petition and earnestly urge that there be set aside and donated out of and from the unappropriated lands of the United States lying and being within the borders of the State of Montana 50,000 acres in aid and on account of such hospital; be it further

Resolved, That the secretary of state be, and he is hereby, instructed to forthwith transmit copies of this memorial, properly authenticated, to the Secretary of the Interior and to our Senators and Representatives in Congress.

W. W. McDOWELL, *Speaker of the House*.
W. R. ALLEN, *President of the Senate*.

Approved January 24, 1911.

EDWIN L. NORRIS, *Governor*.

Filed January 24, 1911.

A. N. YODER, *Secretary of State*.

UNITED STATES OF AMERICA, *State of Montana*, ss:

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint resolution 3, petitioning Congress to donate land in aid and on account of a hospital for the care and treatment of tubercular patients, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 24th day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 24th day of January, A. D. 1911.

[SEAL.]

A. N. YODER, *Secretary of State*.

REPORTS OF COMMITTEES.

Mr. LODGE. From the Committee on Finance, I report back with amendments the bill (H. R. 32010) to create a tariff board.

Mr. BAILEY. Mr. President, in connection with the report which the Senator from Massachusetts has just submitted, I desire to say on behalf of my Democratic associates on the Finance Committee that we do not agree to the report of that committee, and we have reserved the right to offer amendments to the bill and to resist it in all proper ways.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 30727) providing for the sale of certain lands to the city of Buffalo, Wyo. (Rept. No. 1119);

A bill (H. R. 23827) extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation, in Wyoming (Rept. No. 1120); and

A bill (H. R. 25234) authorizing the issuance of a patent to certain lands to Charles E. Miller (Rept. No. 1121).

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 10208) authorizing the resurvey of certain lands in the State of Wyoming, reported it with amendments and submitted a report (No. 1122) thereon.

Mr. FRYE, from the Committee on Commerce, to which was referred the bill (S. 9889) providing for the reimbursement of certain employees of the Lighthouse Service for relief furnished to shipwrecked persons, reported it without amendment and submitted a report (No. 1123) thereon.

Mr. FLINT, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 31353) for the relief of F. W. Mueller (Rept. No. 1124); and

A bill (S. 5583) to amend an act entitled "An act granting the Edison Electric Co. a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel Forest Reserves, in the State of California," by extending the time to complete and put in operation the power plants specified in subdivisions (g), (h), and (i) of section 1 of said act (Rept. No. 1125).

Mr. FLINT, from the Committee on Public Lands, to which was referred the bill (S. 9819) granting to the city and county of San Francisco, Cal., rights of way in and through certain public lands of the United States in California, reported it with an amendment and submitted a report (No. 1126) thereon.

Mr. DEPEW, from the Committee on Commerce, to which was referred the bill (H. R. 31600) to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain, reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 31800) permitting the building of a wagon and trolley-car bridge across the St. Croix River, between the States of Wisconsin and Minnesota;

A bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

A bill (H. R. 31922) to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River, near Foster Falls, Wythe County, Va.; and

A bill (H. R. 31931) authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 31648) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn. This House bill, now favorably reported, is identical with Order of Business No. 953 on the calendar, being the bill (S. 10375) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn. I ask that the House bill may take the place of the Senate bill on the calendar, and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed, and the House bill now reported will take the place of the Senate bill on the calendar.

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 31649) to authorize the County of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn., and I ask that a similar substitution be made for Order of Business No. 948 on the calendar, being the bill (S. 10376) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn., and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. WATSON, from the Committee on Indian Affairs, to which was referred the bill (S. 10530) authorizing the sale of the allotments of Nek-que-e-kin, or Wapato John, and Que-til-quasoon, or Peter, Moses agreement allottees, reported it with an amendment and submitted a report (No. 1127) thereon.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 23361) authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark., reported it without amendment and submitted a report (No. 1128) thereon.

He also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 21965) for the relief of Mary Wind French, reported it without amendment and submitted a report (No. 1129) thereon.

Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 9892) providing for the disposition of moneys recovered on account of injury or damage to lighthouse property, reported it without amendment and submitted a report (No. 1130) thereon.

He also, from the same committee, to which was referred the following bills, reported them each without amendment:

A bill (H. R. 31926) permitting the building of a dam across Rock River near Byron, Ill.; and

A bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

Mr. GAMBLE, from the Committee on Public Lands, to which was referred the bill (H. R. 27069) to relinquish the title of the United States in New Madrid location and survey No. 2880, reported it without amendment and submitted a report (No. 1131) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to which was referred the bill (S. 10224) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, reported it without amendment and submitted a report (No. 1132) thereon.

Mr. WARREN. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths, to report it with the recommendation that that committee be discharged from its further consideration and that it be referred to the Committee on Public Lands, the Hot Springs Reservation not being a military reservation.

The VICE PRESIDENT. Without objection, the request of the Senator from Wyoming will be complied with.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 31166) to authorize the Secretary of Commerce and Labor to exchange a certain right of way, reported it without amendment.

Mr. STONE, from the Committee on Commerce, to which was referred the bill (H. R. 31925) authorizing the building of a dam across the Savannah River at Cherokee Shoals, reported it without amendment.

Mr. JONES, from the Committee on Industrial Expositions, to which was referred the joint resolution (H. J. Res. 213) authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal., reported it without amendment and submitted a report (No. 1133) thereon.

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (S. 9891) relating to the expenditure of an appropriation for the raising of the North Point Light Station, Wis., reported it without amendment and submitted a report (No. 1134) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (H. R. 31066) to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes, reported it without amendment.

Mr. FLINT, from the Committee on Public Lands, to which was referred the amendment submitted by Mr. NIXON on the 3d instant, relative to arid lands in the State of Nevada, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

WILLAMETTE RIVER BRIDGE, OREGON.

Mr. MARTIN. From the Committee on Commerce I report back favorably with amendments the bill (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Ore., and I submit a report (No. 1118) thereon. I call the attention of the Senator from Oregon [Mr. BOURNE] to the bill.

Mr. BOURNE. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 3, line 8, to strike out "ninety-six" and insert "ninety-three;" in line 9, after the words "low-water mark," to insert the words "city datum;" and after the word "city," at the end of line 17, to insert the following proviso:

Provided, That said bridge shall be constructed and maintained in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

So as to make the bill read:

Be it enacted, etc., That the city of Portland, in the county of Multnomah, State of Oregon, is hereby fully authorized and empowered to construct and build a bridge to be known as the Broadway Bridge, with appropriate approaches and terminals with a clearance of not less than 65 feet above high-water mark and not less than 93.13 feet above low-water mark, city datum, across the Willamette, a navigable river, in said city, substantially as follows, to wit: From Broadway Street at or near its intersection with Larrabee Street on the east side of said river, and following the line of Broadway Street extended westerly in its present course to a point at or near its intersection with Seventh Street on the west side of said river; thence southerly and easterly to a point at or near the intersection of Sixth and Irving Streets in said city: *Provided*, That said bridge shall be constructed and maintained in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That any irregularities in the passage of the amendment to the charter of said city known as section 118½ and any errors or irregularities in the issuance of said bonds due to a lack of authority from

Congress to build said bridge are hereby cured, and the issue of said bonds, both before the passage of this act and afterwards, are hereby fully authorized, ratified, and confirmed so far as a lack of authority from Congress to build such bridge is concerned.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The committee report in favor of striking out the preamble. Without objection, the preamble will be stricken out.

STEAM YACHT "DIANA."

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (S. 9437) to provide American register for the steam yacht *Diana*, and I submit a report (No. 1117) thereon.

Mr. KEAN. That is a brief bill of about eight lines. I ask unanimous consent for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Commissioner of Navigation to cause the steam yacht *Diana*, wrecked and repaired in the United States, and owned by C. Ledyard Blair, a citizen of the United States, residing at Peapack, N. J., to be registered as a vessel of the United States; but the vessel shall not at any time hereafter engage in the coasting trade, under penalty of forfeiture.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MASONIC ORDER IN OKLAHOMA.

Mr. THORNTON. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 29300) authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic order in Oklahoma, and I submit a report (No. 1113) thereon. I ask unanimous consent that the bill may now be considered. The accompanying report sets forth a letter from the Secretary of the Interior recommending the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma 90 days' preference right, after the passage of the act, to purchase at its appraised value the southwest quarter of the northwest quarter of section 13, township 13 north of range 8 west of the Indian meridian, in the State of Oklahoma, and directs the Secretary of the Interior to appraise, sell, and convey by patent the tract of land on such terms and conditions as he deem proper, requiring at least 20 per cent of the purchase price to be paid in cash.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIDS TO NAVIGATION ALONG LIVINGSTONE CHANNEL.

Mr. SMITH of Michigan. From the Committee on Commerce I report back favorably without amendment the bill (S. 10690) providing for aids to navigation along the Livingstone Channel, Detroit River, Mich., and I submit a report (No. 1115) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of Commerce and Labor to establish and provide such lights and buoys as may, in his judgment, be necessary to properly mark the Livingstone Channel in the Detroit River, Mich., at an expense not to exceed \$210,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAJI BIN YDRIS.

Mr. KEAN. From the Committee on Claims I report back favorably without amendment the bill (S. 1031) for the relief of Jaji Bin Ydris, and I submit a report (No. 1114) thereon. I call the attention of the Senator from Wyoming [Mr. WARREN] to the bill. It will cost more to print it on the calendar than to pass it.

Mr. WARREN. It is a small matter, and I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Jaji Bin Ydris, of Jolo, island of Sulu, P. I., \$537.40, as compensation for loss of his boat, the *Panco*, and her cargo by reason of a collision with the U. S. launch *Ogden* on the night of November 29-30, 1900, off Pila Island, P. I.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAINY RIVER IMPROVEMENT CO.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 10596) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn., and I submit a report (No. 1116) thereon. I ask unanimous consent for its present consideration.

Mr. BEVERIDGE. I ask the Senator from Minnesota how long is his bill?

Mr. NELSON. It is a very short local bill. It will take but a minute.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

Mr. BEVERIDGE. I shall not object to the consideration of this bill, but I now serve notice that hereafter during the morning business—not during the morning hour, but during the morning business—in the present state of the business of the Senate, I shall object to the consideration of any other bill. I shall not, however, object to the consideration of this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Rainy River Improvement Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, to construct, maintain, and operate a dam across the outlet of Lake Namakan at Kettle Falls, in St. Louis County, Minn., in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES RIVER BRIDGES.

Mr. FRYE. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, to report it back with an amendment.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the Metropolitan Park Commission or any town or city, or any other public body authorized by the State of Massachusetts, all or any of them, be, and they hereby are, authorized to construct, at any time hereafter, drawless bridges across the Charles River in the State of Massachusetts connecting River Street in Cambridge and Cambridge Street in the Brighton District, so called, of Boston, and at any other points upon said river at, near, or above said Cambridge and River Streets: *Provided*, That said bridges shall be at least 12 feet above the ordinary level of the water in the basin over the main ship channel, and the piers and other obstructions to the flow of the river shall be constructed in such form and in such places as the Secretary of War shall approve: *Provided further*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment, provide for adequate compensation to the owner or owners of wharf property now used as such on said river above any of said bridges for damages, if any, sustained by said property by reason of interference with access by water to said property now enjoyed because of the construction of said bridges without a draw. Except as inconsistent herewith, this act shall be subject to the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRAZIER:

A bill (S. 10732) for the relief of David F. Wallace; to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 10733) to extend the time to construct a dam across the Mississippi River by the St. Cloud Electric Power Co. (with accompanying paper); to the Committee on Commerce.

By Mr. MARTIN:

A bill (S. 10734) to inhibit and punish the stealing of freight or express packages or baggage in process of transportation on interstate shipment, and felonious asportation of the same into

another district of the United States, or the felonious reception of the same; to the Committee on the Judiciary.

By Mr. THORNTON:

A bill (S. 10735) for the relief of the heirs or estate of Laura Lane Gibson, deceased (with accompanying paper);

A bill (S. 10736) for the relief of the heirs or estate of J. Ursin Broussard, deceased (with accompanying paper);

A bill (S. 10737) for the relief of the heirs or estate of Pierre Cormier, deceased (with accompanying paper);

A bill (S. 10738) for the relief of the heirs of Jean Southene Mouton, deceased (with accompanying paper); and

A bill (S. 10739) for the relief of Theophile Pann (with accompanying paper); to the Committee on Claims.

By Mr. DU PONT:

A bill (S. 10740) granting an increase of pension to Frances Doherty (with accompanying papers); to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 10742) to provide for the construction of a landing place in the national harbor of refuge, Point Judith, R. I., in the shelter created therefor pursuant to the acts of Congress; to the Committee on Commerce.

A bill (S. 10743) for the relief of William P. Drummon; to the Committee on Military Affairs.

By Mr. CLARK of Wyoming:

A bill (S. 10744) to provide for the purchase of a site for the erection of a public building thereon at Sundance, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND:

A bill (S. 10745) for the relief of Scott P. Stewart and Andrew J. Stewart, Jr.; to the Committee on Claims.

A bill (S. 10746) granting a pension to Caroline Banks; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 10747) to increase the limit of cost for the erection of the United States post-office and courthouse buildings and acquisition of additional ground at Parkersburg, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. BURTON:

A bill (S. 10748) for the relief of John L. Smith and others (with accompanying paper); to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 10749) granting a pension to John Waalkes; to the Committee on Pensions.

POPULAR SUBSCRIPTIONS TO CONGRESSIONAL RECORD.

Mr. HEYBURN. I introduce a bill, which I send to the desk, and ask that it be read the first and second time, and then that it lie upon the table. I ask that it be read at length.

The bill (S. 10741) to authorize popular subscriptions at all post offices for the CONGRESSIONAL RECORD, and for publishing and mailing same, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc. That the Postmaster General is hereby authorized and directed to make, on or before the 1st of July, 1911, rules and regulations to enable all postmasters in the United States at all post offices to receive popular subscriptions for the daily CONGRESSIONAL RECORD, at the price of \$1 per year, and report the said subscriptions and the amount received therefor to the Public Printer.

SEC. 2. That when such subscriptions shall reach 1,000,000 the Public Printer is hereby authorized to publish a sufficient number of copies of the CONGRESSIONAL RECORD to supply all such popular subscriptions made and prepaid as aforesaid, and to send the said CONGRESSIONAL RECORD through the mails to such subscribers free of postage.

The VICE PRESIDENT. The bill will lie on the table.

Mr. HEYBURN subsequently said: I move that the bill introduced by me this morning to authorize popular subscription at all post offices for the CONGRESSIONAL RECORD, and for the publishing and mailing of the same, which was ordered to lie on the table at my request, be taken therefrom and referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WETMORE submitted an amendment proposing to appropriate \$150,000 for the purchase of land in the District of Columbia, known as Graceland Cemetery, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$25,000 for the survey of the Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TARIFF BOARD.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 32010) to create a tariff board, which was ordered to lie on the table and be printed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution (S. Res. 341), which was considered by unanimous consent and agreed to:

Resolved, That the authority heretofore vested in the Committee on the District of Columbia by Senate resolution of February 20, 1909, directing the said committee to examine into matters relating to the District of Columbia, is hereby continued, and the said committee is hereby directed to pursue its investigations during the Sixty-second Congress.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO conferees on the part of the Senate.

PUBLICATIONS OF FRATERNAL SOCIETIES.

Mr. PENROSE. I have a communication from the Postmaster General reciting his objections to the bill known as the Dodds bill, admitting to the mails publications of fraternal societies as second-class matter. In view of the very widespread interest in this measure, I ask that the communication be printed as a Senate document (S. Doc. No. 815).

The VICE PRESIDENT. Without objection, that order will be made.

Mr. PENROSE. In view of the thousands of persons who are either for or opposed to this measure, I submit a resolution for the printing of 25,000 additional copies, and ask that it be referred to the Committee on Printing.

There being no objection, the resolution (S. Res. 340) was read and referred to the Committee on Printing, as follows:

Resolved, That there be printed 25,000 additional copies of Senate document No. 815, Sixty-first Congress, third session, being a letter of the Postmaster General to Hon. BOIES PENROSE, submitting reasons against the passage of the bill (H. R. 22239) to admit to the mails as second-class matter periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning, or by trades unions, and for other purposes, for the use of the Committee on Post Offices and Post Roads.

Mr. SMOOT subsequently, from the Committee on Printing, to which was referred the foregoing resolution, reported it favorably, without amendment, and it was considered by unanimous consent and agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT laid before the Senate the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BRISTOW. Mr. President, the amending of the Constitution so as to provide for the election of Senators by a direct vote of the people instead of by the State legislatures has been under consideration at various times by the Senate for over half a century. So extensive has been the debate upon the subject that it is difficult to contribute anything new to the discussion. I shall not undertake an elaborate historical presentation of the question. Most exhaustive speeches have been made in this Chamber upon other occasions by such distinguished Senators as Hoar, Tulpin, and others. They have illumined the subject with their great learning, and from their respective viewpoints have covered it with completeness; and at this session very able and learned addresses have been made by the junior Senator from Idaho and the senior Senator from Massachusetts. While I can not hope to add anything new to the discussion, however I feel impelled to call the attention of the Senate to the wide difference between the conditions that prevailed in this country at the time the Constitution was adopted and those that prevail to-day.

Stripped of every subterfuge, the burden of all the speeches that have been made against this proposition is that the American people as a whole are not capable of wisely selecting the men who shall represent them in the upper branch of the National Legislature. Various pretexts are resorted to in an effort to produce arguments against this amendment without definitely making such a statement, but the ultimate analysis of

every speech that has been made against this proposition is that the people as a whole have not that calm temperament and intelligent judgment necessary to enable them wisely to select their Senators.

PRESIDENT, IN FACT, ELECTED BY DIRECT VOTE; WHY NOT SENATORS?

As to that, I take sharp and decisive issue with the opponents of this resolution. It was the opinion of many of the Revolutionary fathers that the people could not safely be trusted to elect by a direct vote Members of both branches of the Congress and the President. The result was provision for the election of Members of the House of Representatives by a direct vote, the Senate by the various State legislatures, and an electoral college composed of distinguished citizens chosen by the people of the various States was created, and upon this college was placed the responsibility of electing our Presidents. This body of distinguished men was to stand between the President and the direct expression of the popular will. Every man must admit that this plan for the election of President was a failure. It has been nullified by the evolution of our political institutions. The people to-day, in fact, elect their President by a direct vote. If asked to name the electors for whom he voted in the last presidential election, there is not one Senator in five in this Chamber who could do it, and there is not one voter in a thousand, in the majority of the States, who could name them; but 999 voters out of every 1,000 could name, without hesitation, the man for whom they voted for President. No one would presume to declare that if the electors chosen at the presidential elections had assembled in conventions and chosen our Presidents as it was originally intended that they should do, that we would have secured better men for that great office than those who have held it. The intrigue and corruption that would have developed in such conventions is beyond our comprehension and, in my judgment, before this would have threatened the life of the Republic. The people, however, by a gradual evolution have nullified this provision of the Constitution.

Now, on a given day, quietly and without excitement, millions of American citizens choose their executive ruler for a period of four years, by what is in fact a direct vote, and the decision of the majority is accepted without protest by the entire population. The quiet and orderly way by which the people of this mighty Nation, with its widely extended territory exalt one of their number into, and depose another from, the most powerful political position among men, is the greatest tribute that could be offered to the patriotism and stability of character of the American citizen. If the people are capable of electing their Presidents by direct vote, as in fact they do, are they not capable of electing their Senators? Is that task more perplexing? Are the qualifications necessary for Senators more difficult for the average citizen to comprehend? This, certainly, no one will claim, yet every argument that has been offered against this resolution can lead to no other conclusion.

MEMBERS OF LEGISLATURES HAVE VARIOUS DUTIES.

Fortunately, the electoral college was charged with no other duty than the selection of a President, and the people soon relieved it of that responsibility, and it has become simply a returning board to record the will of the people as directly expressed. But members of the various State legislatures have numerous duties other than the election of Senators to perform, so that they can not be selected wholly because of their attitude toward candidates for the senatorship. If they had not been charged with such other duties they would long since have been relieved by the people of the responsibility of electing Senators, just as the electoral college has been relieved of the responsibility of electing Presidents. As it is, however, some members of the legislature are elected on account of their attitude toward certain candidates for the Senate, others because of the local interest—a constituency may have in State legislation, and others because of general political conditions. The result is that when the assembly meets to select a Senator, unless some plan has been provided by the State for the people to express their choice, a general scramble occurs in which all the passions of ambition, greed, and avarice are turned loose in a contest to determine who shall receive this great official prize.

CORRUPTION FRUITAGE OF PRESENT SYSTEM.

Delays in election, deadlocks, and loss of representation by the States frequently occur. During the last 20 years there have been 14 vacancies in the Senate, some of them covering a period of several years, because of the failure of legislatures to elect. Frequently shocking scandal and flagrant bribery are the fruitage of these controversies. Corruption and bribery in senatorial elections have become more prevalent as the commercial interests of the country have grown. The story of the Illinois election that has resulted in the investigation now be-

fore this body is shocking to the sense of decency of every Senator here, yet it is but a sample of the legislative debauchery that has occurred in recent years in numerous senatorial elections. During the last 40 years the Senate has had under consideration 15 cases where corruption was charged in the election of Senators, while during the preceding 84 years of our history there had been but one such case. This plainly demonstrates that the system adopted by the framers of the Constitution worked well until radical changes occurred in our industrial and commercial life, but that under present conditions it is breaking down and corruption is growing. I do not claim that the election of Senators by a popular vote will wholly eliminate corruption and dishonesty from such elections, but I do maintain that it will reduce it to a minimum. The great power of the position, the dignity of the high office, and the wide influence that a Senator may acquire make a seat in this body exceedingly attractive to men of public spirit and ambition. The power and character of the office are such as to make it a possible source of great value to those connected with large commercial and industrial concerns. The result is that men are frequently elected to seats here not because of their great learning or distinction in the public service, but because of their connection with certain financial, industrial, or commercial concerns that seek to profit by the legislation of Congress. Under these conditions it is but natural that seats in this body should be sought with great eagerness and that the present system by which a few men are able to determine who shall have such seats should produce corruption. That this corruption is increasing as the commercial spirit of the Nation grows, no man can deny. I state, therefore, without hesitation, that the integrity of our political institutions demands a change in the method of electing Senators.

MARVELOUS CHANGES IN CONDITIONS.

We are warned not to depart from the wisdom of the fathers by changing the manner of choosing the Members of this body. Such an argument in the light of modern development is without weight. The conditions that exist in the United States to-day are vastly different from those that prevailed when the Constitution was framed. In 1790 there were but 75 post offices in the United States, or one post office for every 52,000 people, while to-day we have in round numbers 60,000 post offices, or one post office for every 1,500 people. Then there was no free delivery in either city or country. There was not a single letter carrier on the continent; now there are 1,500 cities with free delivery, and over 28,000 city letter carriers deliver the mails to the homes of our urban population, and there are more than 40,000 rural carriers traveling 1,000,000 miles a day delivering letters, newspapers, and periodicals to the rural population. Then the postage on a four-page letter from Washington to Boston was \$1; now you can send that same letter from Porto Rico to Manila, over 12,000 miles, more than half way around the globe, for 2 cents. At that time there were but 103 newspapers and periodicals published in the United States, and the circulation of none of them exceeded 1,000 copies. The average circulation was less than 500, and there was but one publication for every 38,000 people. Now there are 22,600 newspapers and periodicals, with an average circulation of more than 6,000. Then there was published but one copy of a newspaper or periodical per week for each 50 of our population; now there are four copies per day for every family. Such a state of society as we now enjoy was not within the wildest dreams of the most ardent enthusiasts among the founders of the Republic. Yet Senators tell us that to change the details or the manner of electing Senators is to reflect upon the wisdom of the forefathers. Mr. President, I join with the Senator from Massachusetts in paying high tribute to the great wisdom and patriotism of the framers of the Constitution. He can not hold them in deeper reverence than I, though his great learning enables him to express that reverence in more eloquent phrases. But, while I join him in paying tribute to the wisdom of the Revolutionary fathers, I regret that he refuses to join me in expressing confidence in the judgment and wisdom of the people of our own times. Without reflecting in the slightest degree upon the ability of the Members of Congress in any other age of our country's history, I assert that the average American citizen to-day has a better education, is more thoroughly informed on public questions, has a keener sense of the responsibilities of citizenship, and is better equipped to pass judgment as to the wisdom of governmental policies than was the average Member of the House of Representatives a century ago. Then a college graduate in a community was a rare and distinguished individual. There were but few of them among our people. Now they are to be found by the dozen in almost every township. Our colleges and academies to-day are not only equipping men for the professions, but are preparing them by the thousands

for the responsibilities of citizenship. This the conditions of the times demand. Yet Senators upon this floor contend that the same method of selecting Senators that was thought wise and desirable then should be continued now.

For the first half century of our history the greed of commercialism, except as it related to the slavery question, was not developed; now it is a menace to the country's welfare. As the commercial spirit developed and opportunities increased to use the power of government to promote the selfish interests of financial and industrial institutions, such concerns became more anxious to control the Senate. This has brought about the numerous legislative scandals that have occurred in recent years, and such scandal not only will continue but will increase until there is a change in the method of electing Senators.

SHOULD CHANGE METHODS OF ELECTING DELEGATES TO NATIONAL CONVENTIONS.

In this connection I desire to say that not only do I believe that the people should be given the opportunity to vote direct for their Senators and to elect them in the same manner as they elect their Congressmen and governors, but I believe that all delegates to our national conventions should be elected by a direct primary, and that on the primary ballot the voter should express his first and second choice for the nominees of his party. It then would be the business of the national conventions to carry out the will of the people as expressed in the primary election. The expression of a second choice, to show the general preference of the people of a State that might have a "favorite son" as a candidate, is necessary in order that the choice of the people independent of local favor may be ascertained. It has become customary for national conventions to be made up of a large number of Federal officeholders who want to perpetuate themselves in official power, or to be composed of ambitious men who hope to secure the Federal offices. In addition to these two classes there are a number of commanding delegates who represent the powerful financial and commercial institutions of the country, and who are there to look after the interests of such institutions. Trusts and combinations representing great transportation and industrial companies seek to control the State and national conventions of both the great political parties, and if they succeed it makes little difference to them how the election goes or which side wins. Their representatives contribute generously to both campaign committees, and because of such contributions expect to secure certain appointments and also to control the legislation in which they are concerned. These selfish financial interests are exceedingly anxious, first, to control the appointment of Federal judges; second, to shape the laws which affect their interests; and, third, to control the appointment of the executive officers who are to administer those laws.

COMBINATIONS OF WEALTH USE POWER TO ENRICH THEMSELVES.

Mr. President, these great combinations of wealth, under the system that now prevails, have acquired too much power in the affairs of this Government, and they have used that power to enrich themselves at the expense of the general public. Unless a change is made, not only in the method of electing Senators, but also in the manner of selecting delegates to the national conventions, the rising tide of unrest and dissatisfaction that prevails throughout the country to-day will rapidly increase. Men will not become less greedy for wealth and power. The great financial interests will not abate their efforts to control, not only the business, but the politics of the country.

The Senator from Massachusetts declared that the political power of gigantic combinations of wealth had been broken, and that they are no longer endeavoring to control the politics of the country. How can the distinguished Senator entertain such a delusion when at this very hour there are in a number of States deadlocks in pending senatorial elections, caused solely by the dogged and persistent determination of certain powerful financial interests to control the election of Senators from those States. There never has been a time when these interests were more vigilant and grasping for political power and dominion than now.

Sir, I believe we are approaching a crisis, not only in our commercial and industrial life, but in our political affairs as well. The development of modern times has made it necessary to place more power directly into the hands of the people, that they may not only protect the man of small business from the greed of his great and powerful competitor, but that they may also protect the integrity of our political institutions.

AM NOT AFRAID OF THE MOB.

We are warned by those who oppose this resolution that by this change in the manner of electing Senators we will make them responsible to the will of the mob, and, therefore, subservient to the passion and prejudice of the unthinking masses; that by such a change we will endanger the perpetuity of our

institutions. I do not believe it. I am not afraid of the mob. The American people are not controlled by passion or prejudice. They are conservative and cautious; do not welcome change, and cling to precedent. You place in their hands great power, and they will exercise it with deliberation and care.

The stability of a free government depends upon the intelligence and patriotism of its people. It is one of the fundamental laws of human nature that great responsibility not only brings out the best efforts of man, but also develops the conservative elements of his character.

GIVE THE PEOPLE MORE POWER.

Give the people greater power and more direct responsibility for the administration of the Government, and you bring to its institutions the most careful thought and patriotic consideration of the great masses of our population. Gen. Grant has been credited with the statement that all the people know more than any one man. This I believe can be broadened into a declaration that all the people know more than any set of men. The marvelous and unprecedented progress of modern times in every branch of human industry and every line of mental effort has been possible only because the intellect of the race had been unshackled and the mental energies of the entire population brought into action. This Government of ours will be better administered and more wisely governed by inviting every citizen to give his best thought to the solution of its problems. Place greater responsibility for its administration upon the average man, and it will develop in him the highest degree of patriotism. It will place upon him that deep sense of responsibility that goes with ownership. He will feel more that this is his Government, and that he is responsible for the welfare of its institutions. Instead of endangering such institutions it will be their greatest safety. It will intrench them in the affections of an intelligent, patriotic, and devoted citizenship.

Sir, the menace to our country's future is not in the mad fury and passion of the unthinking mob. The mob has no influence with the American mind. It is repulsive to that sense of stability and order which is fundamental in the Anglo-Saxon's nature. Our menace is not the mob, but the greed and avarice of men who seek to control legislation for personal gain. Resentment against the injustice and tyranny of the trusts and the combinations of modern commercial life is far more dangerous to the welfare of this Republic than the action of an unthinking or turbulent spirit.

HAVE FAITH IN THE PEOPLE.

Every great revolution among the nations of the earth has been the fruit of unrestrained greed and avarice. It was the greed and avarice of the barons that drove Cromwell into rebellion. The injustice and cruelty of the wealthy classes of France brought on the terrible revolution that devastated the most highly cultivated nation among men. It was the greed and avarice of the slave owner that brought on the war of the rebellion. No! our menace is not the mob, but the insatiable greed of modern times for commercial and financial power; and to correct the evils that grow out of this condition we must place more responsibility upon the average citizen, put greater power into his hands, and hold him responsible for the proper exercise of that authority. Mr. President, I believe in the American people. I have confidence in their intelligence. I have faith in their sense of justice, and believe that the institutions of our country are safe in their hands. I repeat the sage observation of the silent hero of Appomattox, "All the people know more than any one man." The greatest statesman of this day is he whose clearness of vision enables him most perfectly to comprehend the ultimate desires and embody in concrete form the high purposes of the great body of the American people. He who shuts his eyes to this fact will fail, for the wisdom of the fireside is the compass by which the mariner must steer our ship of state over the stormy seas of political controversy.

THE QUESTION IS, SHALL THE PEOPLE BE PERMITTED TO SELECT THEIR OWN SENATORS?

While the phraseology of the resolution has been somewhat changed from the form in which I originally introduced it, I do not consider the changes as at all material. Regardless of the wide discussion which has been had on both sides of this Chamber in regard to the changes, I want to say that there is but one important question in this resolution as it is framed now, and that is, Shall the people of this country be given an opportunity to elect their own Senators, or have them chosen by legislatures that are controlled by influences that do not many times reside within the State that those Senators are to represent? I would not say the purpose, but the result of this discussion as to phraseology, as is known to the majority of the Senators who indulge in it, is to cloud the real issues

involved here so as to lead ultimately to the defeat of the resolution.

As I have said, I do not consider the changes as material, and I sincerely trust that it will pass, so that hereafter every Senator who enters this Chamber will come here with a commission direct from the constituency that he is to represent.

RECIPROCAL TRADE AGREEMENT WITH CANADA.

Mr. BEVERIDGE. Mr. President, pursuant to my notice I will submit a few remarks on the subject of the proposed reciprocal trade agreement between this country and Canada.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I do.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|-------------|--------------|-------------|--------------|
| Bacon | Clarke, Ark. | Johnston | Root |
| Bankhead | Crane | Jones | Scott |
| Beveridge | Crawford | Kean | Shively |
| Borah | Culberson | La Follette | Smith, Mich. |
| Bourne | Cummins | Lodge | Smith, S. C. |
| Bradley | Depew | McCumber | Smoot |
| Brandeggee | Dick | Martin | Stephenson |
| Briggs | Dillingham | Nelson | Sutherland |
| Bristow | du Pont | Nixon | Swanson |
| Brown | Fletcher | Oliver | Tallaferro |
| Bulkeley | Flint | Overman | Taylor |
| Burkett | Foster | Owen | Tillman |
| Burnham | Frye | Page | Warner |
| Carter | Gallinger | Paynter | Warren |
| Chamberlain | Gamble | Percy | Watson |
| Clapp | Gronna | Perkins | Wetmore |
| Clark, Wyo. | Heyburn | Richardson | |

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present. The Senator from Indiana will proceed.

Mr. BEVERIDGE. Mr. President, shall the United States and Canada begin the policy of mutual trade concession and commercial friendliness? Or shall we make permanent the policy of trade obstruction and commercial hostility between these two countries? These are the real questions which we must answer in dealing with the proposed reciprocity agreement now engaging the attention of both countries.

These are the real questions which we must answer in dealing with the proposed reciprocal agreement now engaging the attention of both the Canadian and American people.

If some think that the agreement is not all that it should be because of the treatment of a few articles, the answer is that even if this objection is sound as to these few details, yet it is negligible when compared with the importance of getting this great national policy established.

As a matter of fact, it will be found that the objection to a few scattered items is not sound; for this is a matter of agreement, and, of course, mutual concessions are necessary. Even so, our Government has done surprisingly well in the concessions it has secured.

If the agreement is enacted into law and proves beneficial to the Nation as a whole, it is certain to be extended as time goes on and the two peoples experience its good effect. If, on the other hand, it should prove harmful to the Nation as a whole, it could and would be repealed quickly. For while this is a reciprocal arrangement, it takes the form of a statute which can be repealed at any time, instead of a treaty, which can not.

Every element of the situation is an unanswerable argument for intimate trade relations with Canada, our closest friend and nearest neighbor. Those elements are peculiar. They exist as to no other country and people in the world. They exist only and exclusively as to Canada and the United States.

Therefore they require a policy as different as that which we apply to other countries as these unique conditions affecting Canada and ourselves are different from those affecting other countries and ourselves.

What are these elements of this remarkable situation? First of all, Canada is immediately contiguous to us. She adjoins us as completely and as intimately as neighboring States of our own Nation join one another. Broadly speaking, she is nearer to us geographically than Florida is to Oregon or California is to Maine.

Thus so connected with us that geographically she is a part of this country and this country a part of Canada, the people of Canada mainly are of our own blood. Both Americans and Canadians speak the same language. Both people have identical institutions. Both have laws springing from a common origin.

The spirit and aspirations of both people are the same. In general, the policy and attitude of both countries toward the rest of the world are similar.

Nor is this all. The industrial methods of both people are practically alike. Taking each people as a whole, both of them have similar standards of living. On the average, wages are not widely part.

In short, the general industrial and social conditions of the two countries are as uniform as the same conditions are throughout our own country. In blood, language, institutions, religion, industrial methods, and social customs we are practically one people living on the same soil.

Indeed there are wider industrial and social dissimilarities between some localities of our own country than there are between the Republic and the Dominion, taken as a whole.

If no trade barricade ever had been erected between these two peoples thus situated, and if it were now proposed for the first time to separate us commercially by a tariff wall, does anybody think that such a proposition would receive many votes in either country?

It would be as if some one now were to propose to divide sections of our own country by commercial barriers; for, strictly from the economic point of view, these two propositions are the same.

What would be said if it were proposed to cut off certain sections of the South, whose resources are not exhausted, from certain competing sections of the North, whose resources are running low? What would be said if it were proposed to shut off Alaska from us by a tariff obstruction? Yet there is no difference economically. The only difference is that of our political unity under one flag; and we are now dealing with an economic problem.

But these unique and elemental facts are not all that suggest closer trade relations between Canada and the United States. We have used up our natural resources so rapidly that the belated policy of conserving them has become one of our greatest national anxieties. Perhaps no other single material problem more deeply concerns the great body of our people.

But our immediate neighbors and blood kinsmen on our north have enormous natural resources which as yet hardly have been touched. We need those resources. Our Canadian neighbors are willing to give them to us in exchange for our products, which Canada needs. Why should we make it difficult and expensive to get that which we need and must have and the getting of which will enlarge the markets for our own products?

Our large increase of population and the great proportion of our people engaged in other callings than agriculture has made the cost of living our most vital immediate problem. Sustenance is always the serious question with which a crowded people has to deal; and while we are not yet a crowded people compared with other countries, we are compared with Canada.

Should we not begin to draw upon her supplies? Her production, while large in possibilities, is not yet actually considerable, and therefore will not afford us much relief for some time. But should we not now begin the policy which would make those supplies easily available instead of making permanent that policy which will make Canada's future supplies hard and costly to obtain?

Because Canada's production is yet comparatively small, our free admission of her agricultural products will not affect American farmers; and by the time that Canada's agricultural production has sensibly increased our own and the world's demand for foodstuffs will have so enlarged that the free admission of Canada's food products will leave our farmers in the relative position they now enjoy.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I should like to make this statement as connectedly as possible. Hereafter, as the debate proceeds, if it is convenient to the Senator, I shall be very glad not only to welcome but to invite all interruptions.

Mr. BORAH. I take it, then, that the Senator would rather proceed at this time.

Mr. BEVERIDGE. Yes; unless the question or the interruption would not break what I have tried to make the closely connected thread of the statement. That is all.

Mr. BORAH. My question was directed to the fact as to how we would reduce the cost of living in this country if we did not reduce the price of the products which the farmers are selling?

Mr. BEVERIDGE. The question before us is not only the reduction of the cost of living but, an even more serious question—the prevention of a still further increase in the cost of

living. That is the problem that a farsighted statesmanship must solve.

The startling increase of our Nation and the world's consumption of foodstuffs in comparison and contrast to our Nation's and the world's supply of foodstuffs steadily and rapidly enlarges the universal demand for all our farmers' produce. Of all men, our farmers are in the securest economic position for the future.

But in what position are the remainder of our people? If we reject this reciprocal proposal and resolve to continue and strengthen our policy of trade obstruction as to Canada the future holds an absolute certainty of the increased cost of living to our people as much above what it is now as our present cost of living is above what it was when we had vast areas of free lands, enormous and untouched resources, and a comparatively sparse population.

Some natural and some artificial causes have increased our cost of living. One of the artificial causes has been the cornering of our wheat and other food supplies by mighty financial interests. All of us vividly remember the recent corner in wheat by financial adventurers who speculated on the hunger of the people.

The free admission of food products of Canada will render this commercial brigandage more and more difficult. It will be one strong factor to check the artificial raising of prices, which benefits nobody but the speculator and injures the whole people—farmers as well as artisans.

Canadian reciprocity would steady and regulate prices and do much to end the cruel wrong of cornering the food on which our people live. With Canadian reciprocity the food gambler in the pit would have to corner the products of a continent instead of a country.

It has been said that Canadian reciprocity is contrary to the policy of protection. Some even have said rashly that the proposed agreement will be a death blow to our whole protective system. But neither of these statements is reasonable or true.

The policy of protection grew out of conditions not applicable to Canada. The basic reason for the protective policy was to shield our workmen from competition with the underpaid labor of overcrowded countries.

Germany, France, Holland, Belgium, and other competing countries were and are packed with struggling masses of laborers. These laborers were paid wages below the amount on which a competing American laborer could exist by our higher standard of living. This was the reason, and the only reason, for the policy of protection.

It was and is wise and sound when applied to overcrowded competing countries filled with surplus labor employed at the lowest rate to which hunger can drive down wages. But this does not and never did apply to Canada.

France has almost 200 people to the square mile; Germany has nearly 300 people to the square mile; England has nearly 400 people to the square mile; but Canada has fewer than two people to the square mile.

Instead of being overcrowded, compared with us, as other countries were and are, Canada is underpopulated. While Canada has fewer than 2 people to the square mile, we have 35 people to the square mile.

This comparatively sparse Canadian population is not underpaid, as are the laborers of others countries. The average wages paid Canadian workmen, taking the Dominion as a whole, do not greatly differ from the average wages paid our workmen, taking the Republic as a whole. As I have said, taking the two countries as a whole, the Canadian and American standard of living is practically the same.

So the reason for applying the policy of protection to countries with an oversupply of underpaid labor does not apply to Canada, which has an undersupply of well-paid labor.

We do not need to protect our people from the Canadian people. What we need is to make it easy for Canada freely to buy from us the things she needs and that we produce instead of making it hard for Canada to do so. What we need is to make it easy for our people to buy from Canada those things which our people need instead of making it hard for them to do so, especially when in making it easy for our people to purchase our necessities from Canada we sell to the Canadians our own products that need a market in exchange.

The time has long since passed when our own domestic market sufficed for our manufacturing producers. For years there has been an increasing demand on the part of our manufacturers for foreign markets. Canada in proportion to its population is by far our best, as it is our nearest and most natural market.

In spite of our protective tariff wall between this country and Canada, which has no basis in the reason for the one we prop-

erly erect between this country and overcrowded countries, the fact of propinquity has given us the largest share of Canada's market.

Why should we not increase that share? Why should we not strive to make as easy as possible the access to this our nearest, most natural, and best market? This proposed arrangement begins that common-sense policy.

Mr. DILLINGHAM. Will the Senator from Indiana allow me?

Mr. BEVERIDGE. Yes.

Mr. DILLINGHAM. I should like to inquire of the Senator whether he intends to take this matter up in detail and show us what class of manufactured goods in the United States will receive an increased amount of trade by reason of this agreement.

Mr. BEVERIDGE. I had not intended to go into details today, but I do intend to do so before the debate is through. But if the Senator will turn to the schedules themselves, which are on his desk, he will find the information.

Take coal, for example, which is produced in the State of our friend the Senator from West Virginia or in the States of the Middle West. The coal mines in that portion of our country east of the Allegheny Mountains supply the demand for fuel in middle western and western Canada, I suppose, as far east as Toronto, perhaps.

The reduction secured on coal will greatly enlarge the markets for our coal mines in West Virginia clear on through the Middle West. This is one increased market in Canada this arrangement gives us.

Of course, I think coal should have been free. Free coal would give our middle western mines an exclusive market in middle western Canada.

I think I understand the reason why coal was not made free. I have not the slightest doubt that our Government did all it could to make it so, and I have not the slightest doubt, on the other hand, that the coal mines of Nova Scotia were afraid of our competition. I have no doubt they thought perhaps they could penetrate the Winnipeg market. I will not state that as a fact, although perhaps I might. Now, that is one illustration.

Cottonseed oil is another and a most important one. Automobiles, agricultural implements, engines, and various manufactures are others.

If the Senator from Vermont will run down the schedules of manufactured products, he will see that these and other products will enjoy greatly increased markets under this arrangement.

Suppose others should have been added, or the ones included in the proposed arrangement should have been treated differently. I am making the argument here that once the policy itself is established and the people enjoy its benefits any defects will be remedied speedily by the very force of economic and commercial conditions.

On the other hand, as I said at the beginning, if it proves not to be beneficial it is absolutely certain that it will be immediately repealed, because it is not in the form of a treaty, but a statute.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. BEVERIDGE. The Senator, who has served with me 12 years, knows that I not only welcome but invite interruptions in general debate, and I shall do that when the debate opens. But I did want to make this statement as connectedly as possible.

Mr. NELSON. It is a very brief question and will take but a moment.

Mr. BEVERIDGE. Oh, well, go ahead.

Mr. NELSON. I should like to have the Senator explain to us what reciprocity there is in putting wheat on the free list and then tacking a duty of 50 cents a barrel on flour.

Mr. BEVERIDGE. If the Senator had been patient, he would have had that question answered in five minutes. I am coming to that.

Some objection is suggested to a few of the items of the proposed arrangement. Even if these objections were valid, they are of small moment compared to getting the policy itself established. But the scattered objections to the details of the agreement are unsound in the main.

For example, it is said that because the agreement admits live animals from Canada free of duty and does not admit fresh meats and meat food products free of duty this arrangement helps the Beef Trust.

But of course this is not true, but the very reverse. If fresh meats and meat food products were made free between this

country and Canada, our Beef Trust would have a new, easy, and free market in Canada. Would it not be to the interest of the Beef Trust to have this new, free, and easy market?

Of course, fresh meats and meat-food products should be free of duty between this country and Canada, because our people need all of the meat and meat food products then can get. And nothing is more certain than that once this policy of Canadian reciprocity becomes the law of the two countries and the Canadian and American people as a whole feel its good effects, meat and meat food products very soon will be made as free as live animals.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. Yes.

Mr. SMITH of Michigan. I simply desire to ask the Senator from Indiana, who has undoubtedly given this subject a great deal of attention and thought, whether he believes that food products will be cheapened to the consumer of this country by this agreement. I ask the Senator the question because I think that so far as the American people are concerned, it is the nub of our controversy. I do not disagree with the Senator from Indiana in many of his contentions. But I should like to know whether he regards that as one of the blessings to grow out of this agreement.

Mr. BEVERIDGE. The present comparatively small production in Canada is so inconsiderable that it will not greatly afford immediate relief, and for that very reason can not possibly injuriously affect our farmers who raise the same things. That is the first point.

Mr. BORAH. Mr. President—

Mr. BEVERIDGE. Oh, pardon me; one at a time.

But if possible even a greater question than the present high cost of living is the probable vast increase in our future cost of living. As the Canadian production of foodstuffs increases it will prevent that increased cost of living.

We are dealing not only with to-day, but we are dealing also with the future of scores of millions of human beings. Perhaps the largest vital fact now being considered by economists and statesmen the world over is the startlingly rapid increase of the world's consumption of food products and the comparative decrease of the world's production of food products.

Hereafter, when the general debate opens, I shall produce for the benefit of my friend and the whole Senate the alarming statistics of this and other countries upon that subject. The admission of future supplies from Canada will go far to prevent that catastrophe to the American people. Now, does that in any way respond to the Senator's question?

Mr. SMITH of Michigan. I am greatly obliged to the Senator from Indiana. He has made his position very clear; but I do express some regret that he should have seen fit to reduce his remarks to writing, because he not only illuminates his subject with great clearness when he speaks without his formal address, but it does give us an opportunity to ask him questions which I hesitate to do in the present situation.

Mr. BEVERIDGE. The Senator will do me the justice of testifying that during the few years we have served here together, in all debates and discussions I never have objected to any questions or interruptions, but, on the other hand, have affirmatively invited them. The only reason I do not to-day is, of course, the fact that I have tried to make a condensed and connected statement of the whole subject, and I think it is better and more illuminating for the discussion to open in that way. Hereafter, if the Senate will indulge me, I shall engage in some little discussion of this subject.

Mr. BORAH rose.

Mr. BEVERIDGE. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask the Senator from Indiana if he takes the position in this address that this agreement will reduce the cost of living in the United States.

Mr. BEVERIDGE. I have stated very clearly that the limited present production of Canada will not afford very much immediate relief. From that point of view, therefore, it can not hurt our farmers. But while the present production is inconsiderable, the possibilities are vast; and as the production increases it will meet our ever swelling demand for foodstuffs, which is the chief economic cause of the raise in the cost of living.

Mr. BORAH. Then, as I understand the position of the Senator from Indiana, it is this—that while it will not presently reduce the cost of living it may prevent the increase of the cost of living in the future.

Mr. BEVERIDGE. It absolutely will prevent a future increase in the cost of living, and the Senator knows—he has listened with an attention, which flatters me, to my remarks—that I have pointed out that one of the artificial, and I might use so

strong a word as to say outrageous, causes that have increased the cost of living has been the cornering of our food products by financial adventurers, who in heart and spirit were and are as much pirates as any who ever sailed the sea on the Spanish Main. This agreement will go far to stop that.

This cornering of such products, to the injury of the whole people, including the farmers themselves—because the farmers are never in the end benefited by those artificial fluctuations—will be prevented by the excess of the same commodities from Canada. These financial speculators in human life will have to corner a continent instead of a country.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask that the unfinished business be temporarily laid aside, so as not to interfere with the speech of the Senator from Indiana. I may call it up after the Senator has finished. Perhaps some one may desire to speak upon it to-day.

The PRESIDING OFFICER. The Senator from Idaho asks that the unfinished business be temporarily laid aside. The Chair hears no objection, and the Senator from Indiana will proceed.

Mr. BEVERIDGE. Now, as to fresh meats and meat food products. And, Mr. President, these interruptions remind me of an incident which occurred in Indiana in the old days of political campaigns. It was perhaps 25 years ago, at Evansville. An eminent gentleman was arguing that protection reduced the price of articles manufactured here, and he had come to the subject of nails. He was speaking in the open air. A procession came by, and then another and another. As they passed with their bands and banners the eminent speaker had to suspend. His audience had lost the thread of his argument, but he had not lost it. So when finally the music of the last drum corps was receding in the distance, the persistent logician resumed his argument by saying, "Now, fellow citizens, as I was pointing out half an hour ago—take the price of nails." [Laughter.]

So, returning to the subject of meat, the point, as I was saying, had been made that because the agreement proposes live animals shall be free, and yet does not propose the meat products of those animals shall be free, therefore this was plainly in the interest of the Beef Trust.

Of course it is the exact opposite, because if meat were reciprocally free, and meat food products, that would mean for our Beef Trust easy and free access to a new and ever-growing market.

Now, why were not meat and meat food products made free? That is important.

The reason why fresh meat or meat food products were not made free in the proposed agreement, as are live animals, doubtless was that the Canadian Government would not agree to it. Probably Canada has packing industries which feared the free competition of our older and more powerful American packing industries.

It has been suggested that the proposed arrangement will help some others of our greater industries, known as the trusts, by giving them an easier access to the Canadian markets. But this is plainly unsound; for do not all Americans of all parties want to enlarge foreign markets for any and every American industry, little or big?

If our automobile manufacturers can sell abroad more of their products which they make here, it follows that they will employ more laborers here, and these laborers will buy more of our own farmers' products.

The same is true, of course, of all other American manufacturers and producers whose foreign markets this arrangement enlarges. Take, again, the subject of coal. It is true of coal.

It is true of the manufacture of agricultural implements and of all other manufactured articles in which there has been a notable reduction of duty. It supplies that thing which the manufacturers and other producers of this country have for the past few years been demanding with an ever-increasing strenuousness.

Now, I come to the question asked me by the Senator from Minnesota. What I have said about the admission of live animals free and yet not putting the meat food products of these animals upon the free list applies in precisely the same way to the free admission of wheat and yet keeping flour and wheat products upon the dutiable list.

It would have been to our advantage to have had flour on the free list as well as wheat from the point of view of enlarging our own food supply. It would have been to the advan-

tage of our milling industry to have had flour free, just as it would have been advantageous to our packing industry to have had fresh meats and meat food products free, because it would have given both a free and ever-expanding market.

Doubtless the reason why flour was not placed on the free list, just as the reason why meat was not placed on the free list, was because the Canadians would not agree to it.

Senators must not forget the capital fact in this whole discussion that we are not making a law just as we want it, but we are perfecting an agreement; and therefore we must take into consideration what the other party to the agreement wants as well as what we want.

I have not heard a sound objection to this proposed arrangement which time and experience will not speedily correct, except, perhaps, on the item of barley. Perhaps barley should not be on the free list. Its free admission possibly may hurt for a short time two or three thousand farmers in the Northwest near the Canadian line, and it will help no American interest except American breweries.

So perhaps barley ought not to be placed on the free list. It is not a food product of the same grade as wheat flour.

But I repeat this is a reciprocal arrangement—the policy of friendly give and take. We can not begin the policy by getting everything we want and giving Canada nothing she wants. And one of the things she did want was free barley.

So conceding for the sake of argument that this item is objectionable, shall we prevent the beginning of a great national policy for such a reason? Shall we, because of this small and local consideration when compared with the vast interests of the whole Republic, resolve to continue and solidify the trade obstruction between ourselves and our best friend and customer?

The general effort to make American farmers believe that this arrangement is a blow at their prosperity is not justified. It will not hurt the American farmer in the item of wheat; we are the greatest exporters of wheat and flour in the world.

American wheat successfully competes with Russian and Argentine wheat in foreign markets; and while our wheat and flour exports are growing less, so are the wheat and flour exports of Russia—next to us the greatest wheat producer on the globe.

The world's consumption of wheat is rapidly overtaking the world's production of wheat. The comparatively small amount of wheat which Canada can send us for the next few years will not more than meet the increasing demand. That, I think, is a direct answer to the question the Senator asked me a few moments ago.

And by the time that Canada can supply us larger quantities of wheat, the pressure of our increased population upon our means of sustenance will absorb all of the wheat that Canada can send us without changing the American farmer's relative position.

The free admission of cattle and other live animals will not hurt our farmers. Canadian cattle will have to be corn fed here.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. In just a minute when I get through this point. They will be grown on the Canadian range to be prepared for market on American corn. And, indeed, free cattle will give the producers of our corn-fed cattle a new market.

Mr. BORAH. Mr. President, if the position of the Senator is correct, then I would like to have him tell us how this trade agreement is going to reduce the cost of living to the American people.

Mr. BEVERIDGE. The Senator will agree that it will prevent the increase of the cost of living. Twice already I have pointed out one specific instance where it will reduce it.

Mr. BORAH. If the farm products from the Canadian side are so inconsequential as not to affect the price of farm products on this side, how are we who consume products going to get any benefit of lower prices?

Mr. BEVERIDGE. You will get the benefit of the lower price, perhaps, in cattle which we must corn feed here. There is a double advantage to us. Also you will get the prevention, which is the great question before us, of a still greater increase of price.

Mr. BORAH. But, Mr. President—

Mr. BEVERIDGE. Now, pardon me, I can not yield for a speech in the midst of my own. I see the Senator is taking, much to my regret, a hostile attitude upon this great subject. You can not deal with this large business by a peck-measure statesmanship. You have got to take the thing as a whole. If the Senator insists that it is not going to reduce the cost of living, he therefore admits it is not going to hurt the farmer. If it is not going to hurt the farmer, who is it going to hurt?

Mr. BORAH. The Senator from Idaho is not necessarily taking a hostile attitude on this agreement, but it has gone to the country, and the people of this country have been led to believe that this agreement will reduce the cost of living in the country. I submit that it is up to those who have led the people to believe that, to give some specific facts upon which we may base our judgment when we come to vote. If it will not reduce the cost of living in this country, I will assure the Senator that the public mind will cease to be greatly concerned about these international friendly relations. That about which they are concerned is the other proposition, and the Senator—

Mr. BEVERIDGE. The Senator must not interject a speech in my remarks. I have indicated my desire to proceed. I will accommodate the Senator to his satisfaction when the general debate comes on. I am making an opening statement at the present moment.

Mr. BORAH. The debate is on.

Mr. BEVERIDGE. Three times I have stated the exact position which the facts and statistics show, that the constantly increasing pressure of consumption upon our production has not only raised the cost of living to the present point to the average citizen of the country, but what is far more serious to him and those of his household is the fact that it is going up every day.

Yet the Senator seems to think, "Well, if you are not going to cut in two between sunrise and sunset the cost of living, why make any provision to prevent its increase next week? What do we care about the American people next week?" That is what the Senator's remarks seem to imply.

This is not a measure, as far as I know or have observed from reading any public utterance, which is being urged upon any demagogic grounds, but upon a broad, fundamental basis that affects the entire Nation.

No; Mr. President, this is not going to hurt the farmer in any way. It will not in wheat, as I have shown. It will not in cattle; that item will help the farmer, because Canadian cattle must be prepared for market here on our farmers' corn. It will not in horses, but instead will increase the market for our horses. We already export to Canada greater numbers of horses than we import from Canada.

Mr. BORAH. But we do not eat horses.

Mr. BEVERIDGE. No; but all use horses, especially on the farm. Does the Senator think he is going to dispose of this great policy by saying we do not eat horses? We use horses on the farm. Do they not use horses in Idaho? And we produce horses and sell thousands of them to Canada every year.

Mr. BORAH. The Senator, as I understood, was speaking of the cost of living, otherwise I would not have made the remark.

Mr. BEVERIDGE. Do we not use those animals? Do we not produce and sell them? The Senator must either pay attention to my remarks and not pay attention a part of the time to what he is doing there or else not interrupt me.

Mr. BORAH. Mr. President—

Mr. BEVERIDGE. Pardon me. I do not yield until I explain to the Senator. I said what I had to say—stated it two or three times—about the cost of living.

Then I came to the proposition being urged most unfairly that this reciprocal trade agreement is going to injure the farmer. I was pointing out that it can not injure the farmer. I specified wheat; I specified cattle; I specified horses, of which we now export to Canada more than Canada exports to us. All this bore on the objection that this arrangement injures the farmer.

Instantly, in the midst of the argument to show that the farmer is not going to be hurt, the Senator wants to know if we eat horses. What has that to do with the question of the alleged injury to the farmer?

We use horses. We use horses on the farm. It is the chief labor employed. It is the chief labor in the production of the food necessities of the people. And our farmers produce horses for export. Canada is already the best market for our farmers' horses; and this agreement will enlarge that market.

Mr. BORAH. Mr. President, I did not intend to be jocular with the Senator from Indiana, but I wanted to bring him to the question that concerns us, and that is the cost of living.

Mr. BEVERIDGE. I have noticed these few items, Mr. President, to illustrate the unsoundness of many of the hop-skip-and-jump objections to the mere details of this proposed arrangement.

But even if they were valid instead of groundless, all of them put together are a small matter when compared with getting this fundamental and truly national policy established.

If Senators would take their minds from an item here and an item there, and address themselves to this large business as a

whole, which involves a policy, and not retail logrolling legislation, we would better comprehend this proposed arrangement.

The beginning of the policy itself is the great and overshadowing consideration. The beginning of closer trade relations between these two peoples who are immediate neighbors and who are of one blood, language, and religion is the large phase of this question.

The great and real statesmen who established this Government faced exactly the same difficulty in another form. Many things were forced upon them in the framing of our Government which they did not like. Many of these things were very serious and have been the source of some of the gravest troubles which we as a people have experienced.

Yet these wise men who framed our Government agreed to these objectionable things in order to get the Government itself established. The problem was to get the Government going at all.

So concessions were made in order to accomplish this greater good—this vital purpose. Had not the broadest and biggest men of that time made these concessions the Constitution might not have been adopted, and our Government as it exists might never have been framed.

But the Government once a going affair, the Nation once established, these lesser mistakes and the evils flowing from them have largely been corrected. And can we doubt that as time goes on all of them really will be corrected?

But suppose, in the great crisis of establishing the Government, of getting it a going affair, a microscopic determination had said, "No; I will not agree to establish the Government unless I can have my way on this little thing or that little thing or the other little thing," what would have become of the Constitutional Convention of 1787? What would have become of the building of the Government itself?

So, in the establishment of this policy of closer trade relations with Canada, however important some details may seem to some people, they really are unimportant when contrasted with the establishment of the policy itself.

This is not like the administration of an old and firmly established policy. It is the creation of a new policy, a policy thoroughly national in scope. The heart of our present problem is to get this policy going.

Let us not forget that this is not a local and patchwork affair, but a broad national and humanitarian plan of statesmanship. Generally speaking, it affects favorably more than a hundred millions of people on this continent, nine-tenths of whom are under our flag, and substantially all of whom are of the same race with the same industrial methods, the same customs, the same ideals.

Selfishness is seldom wise. The American people, as a whole, are patient, long suffering, kindly, slow to wrath. But if a few selfish interests prevent even the beginning of this beneficent program, it well may be that those short-sighted and selfish interests will be made to suffer in stern reality infinitely more than they vainly imagine that this reciprocal arrangement will make them suffer now.

Our wisest and most far-seeing statesmen of all parties have favored this policy. McKinley, "the high priest of protection," as he was called, suggested it in his last public utterance. It is the instinctive and intelligent desire of two peoples peculiarly situated and constituted. It springs from the mutual necessities of millions of human beings. Let no small and temporary motives of local and unwise selfishness prevent the beginning of this noble policy.

Mr. BORAH. Mr. President, I am not going to detain the Senate by a discussion of the trade agreement. It is an important matter, however, and I presume all desire all information to be had. I find an article here which expresses some views which I think all ought at least to consider. I am going to read a paragraph or two in order that it may go into the RECORD:

For a very long time now this country has been pursuing the deliberate policy of enlarging and strengthening certain classes of its producers by enabling them to dispose of their products to their fellow citizens at a higher price than the current world price for such commodities. By means of a tariff, called protective, it has made it possible for all industries whose production was below the consumptive needs of the country, or which could dispose of enough of their production abroad to keep the residue below the consumptive needs of the country, to obtain prices for what they sold within the country equal to the current world price plus the tariff rate, whatever that rate might be for each particular variety of product. In carrying out this policy the country has deliberately sacrificed the present interests of the producers of all commodities produced in such quantity that there remains an exportable surplus above domestic requirements of sufficient magnitude to keep the price of the entire production on the basis of the current world price. Until very recently the chief class of producers who found themselves in this case consisted of agricultural producers. It was they, above all others, who always had to take the world price, without any tariff

premium, for what they produced, and who had to pay for what they bought the world price plus a tariff premium. To keep them contented various devices and arguments have been employed, some political and some pseudoeconomic, which could hardly have been effective with a more intelligent class. For instance, they have been shown in every tariff a series of so-called protective rates on all their products; but they have been very little enlightened about the futility of these rates in their case. Great stress has been laid upon the constantly growing markets for their products, but very little has been said of the hard fact that in those markets, no matter how they increased, they, as producers, forced to sell at the world price, but to buy of other more favored producers at the world price plus a tariff premium, must expect to work harder and to remain poorer than those other producers. It has been insistently pointed out to them that wool in this country brings a higher price than in foreign countries, but their attention has been carefully diverted from the fact that almost up to the present day wool has been practically the only agricultural product of this country of which this is true. In the whole history of the country there have been less than six months when the price of wheat has been the world price plus any tariff premium at all. There has not been a single day during all the years when there has been the slightest tariff premium over the world price for corn or oats, or cotton or apples, or grapes, or hops or pork. More than a generation of farmers had lived and labored and died before there was any tariff premium in the price to be got for beef, or milk, or butter, or eggs, or poultry, or barley, or flaxseed, or hay.

Such has been the deliberate policy of this country for many years as between its various classes of producers. And this policy has produced the consequences which any clear thinking man would expect. Those producing classes which have been enabled to get, for their products the world price plus a tariff premium, while deriving no benefit from this fact on the commodities they interchanged with each other, have steadily gained an advantage on all they interchanged with the agricultural producers. Their cost of mere living has remained on the basis of world prices, and their rate of compensation for their own labor has been the world price plus the tariff premium. And they have prospered exceedingly. In no other country in the world have the producers of these commodities fared so well. Capitalists and laborers alike, they have enjoyed a measure of comfort almost unheard of. But the agricultural producers have found that in spite of all the arguments addressed to them they have worked harder and remained poorer than their more fortunate fellows. And, without being able to reason out the causes of the thing, they have followed an instinct that told them to get over as fast as they could from agricultural production into the more comfortable industries. Each succeeding census has told the story of their migration. Only in those parts of the country where increasing population and the land hunger of the race was enhancing the value of land, could they see any profit in farming, or any hope of a manner of living such as they saw commonly attained in the industries fostered by our national policy. So in ever-increasing numbers they have been flocking into cities, away from the farms, into the manufacturing and allied pursuits. They have alarmed our statesmen, who have been set at work persuading them by lectures and commissions and other paraphernalia to continue to be farmers, but all with scant result. Forces greater than plausible arguments are pushing them; and until real counterforces are set in operation they will continue to come.

But they have already come in sufficient numbers to disturb the old happy condition of things. They have already so reduced the rate of increase of agricultural production in this country, relative to the increase of population—and this in spite of all improvements in agricultural machinery and methods—that one after another of our agricultural products is ceasing to show an exportable surplus, whose sale must fix the price of the whole on the basis of the world price. And as fast as this happens with any commodity the price in this country immediately jumps to the level of the world price plus the tariff premium. This has already come about with beef and mutton and dairy products and eggs and poultry and flaxseed and citrus fruits. It has practically come about with barley. It is on the point of coming about with wheat. Indeed it did come about with wheat for a few months in the spring of 1909, aided no doubt by the speculative activities of Mr. Patten and others, yet even so with entire economic propriety.

It would inevitably soon come about with substantially all our agricultural products, except possibly corn and the so-called bread-and-butter kind of cotton, if the Nation should hold steadfastly to its traditional policy.

But now the shoe begins to pinch those who have been so busy enjoying the advantages of the game. The cry goes up from our manufacturing centers and our cities that the cost of living is becoming unbearable. The dwellers there see no reason why they should be deprived of the privilege of selling their products at the world price plus a tariff premium, while living on the basis of the world price for food. The manufacturer sees that when he has to pay wages based on a protected price for foodstuffs, his wealth must accumulate much more slowly, and he joins in the cry for the abolition of the tariff so far as they are concerned. The city newspapers, realizing the harshness of the economic law that must force many city dwellers back to the farms, add to the clamor that food must be made cheap.

The American farmer, who had begun to have visions of exchanging commodities on a basis of price equality with other kinds of producers, will find himself again in the same old position, working harder and remaining poorer than his fellow citizens in other industries. He will continue to escape from his relatively uncomfortable lot by abandoning his farm, whenever he can, and passing over into the better kinds of labor. At last he will again overbalance by this method the economic disparity between his class and others. Then the cost of living will jump again, and it will be necessary to find another agricultural country, say Russia, with which to make a reciprocity treaty. But meanwhile is there any social justice or any economic sense in the proceeding? And if there is not, ought any true lover of the best interests of the country to desire the ratification of the proposed treaty?

Mr. DEPEW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. If no one desires to proceed to discuss the unfinished business, I will ask unanimous consent that it may be temporarily laid aside.

The PRESIDING OFFICER. In the absence of objection, the unfinished business will be temporarily laid aside.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. Mr. President, I ask unanimous consent to call up the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes. The bill has been before the Senate for a long time. It is an administration bill, a public bill, and practically provides an organic law for the Territory.

I have received a letter from the President stating that he is exceedingly anxious to have the bill acted on quickly; I have received the same kind of a letter from the Secretary of War, and I have received cablegrams to the same effect from the officials of Porto Rico.

The PRESIDING OFFICER. The title of the bill, for the consideration of which the Senator from New York asks unanimous consent, will be stated.

The SECRETARY. A bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. BRISTOW. Mr. President, that bill will lead to a great deal of discussion, because the Senate committee has incorporated some amendments in it since it passed the other House which I think should not be in the bill.

Mr. DEPEW. It may lead to discussion, Mr. President; but that is no reason why the bill should not be considered.

Mr. BRISTOW. Mr. President, I will have to object to the bill being taken up now.

The PRESIDING OFFICER. The Senator from Kansas objects to the request for unanimous consent. Does the Senator from New York move to proceed to the consideration of the measure?

Mr. DEPEW. I will withdraw the request for the present.

SENATOR FROM ILLINOIS.

Mr. GAMBLE. Mr. President, I ask that the Chair lay before the Senate the report of the Committee on Privileges and Elections relative to the right of the junior Senator from Illinois [Mr. LOBIMER] to retain his seat in the Senate.

The PRESIDING OFFICER laid before the Senate the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LOBIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

Mr. GAMBLE. Mr. President, in the observations which I submitted to the Senate a few days since I made reference to certain cases in regard to the rule of computation where illegal and void votes had been cast in an election. As I then stated, it was my view, under the law as interpreted by the courts, a bribed vote is void and illegal, and for no purpose can it be considered, nor can it enter into the computation in the ascertainment of the result in an election. I believe this rule is established, and the reasons therefor are justified by law and by experience, as applied in the courts as well as by legislative bodies.

On account of the length of my remarks at that time I contented myself by referring to the cases with only a general statement as to the holding of the court in the different cases. My purpose now is simply to make a fuller reference to them, and insert extracts therefrom, and also to review certain cases cited in this debate by other Senators which are claimed to have binding force and should control the Senate in the case now under consideration.

The cases to which I referred have been criticized and sought to be distinguished by the senior Senator from Iowa [Mr. CUMMINS] and also by the junior Senator from Ohio [Mr. BURTON] as to their application to the question involved. Among others I cite the case of *Lane v. Otis* (68 N. J. Law, 64). This was a contested-election case. The office in dispute was that of a member of the board of chosen freeholders for the county of Ocean, in the township of Little Egg Harbor.

The borough of Tuckerton having been set off from the township, there were at the time the election was held two election districts, viz, the borough of Tuckerton and the township of Little Egg Harbor, that lay outside the borough. At the election held in March, 1901, the electors of each of these districts cast their ballots for member of the board of chosen freeholders at polling places situated within the territorial limits of the borough of Tuckerton. This circumstance gave rise to the main subject of contest between the parties in the proceeding.

The contention of the relator was that the ballots cast by the electors who resided in that part of the township that laid outside the borough were not, in legal effect, votes cast at the election, and hence could not be counted. If the ballots were counted, Otis, the incumbent, had a plurality over Lane, the relator, but not a majority, for there was a third candidate. If the vote of the township were thrown out, the relator had a

plurality over Otis and a majority of all the votes counted, but not a majority of all the votes cast. To state it in another way: If a majority of all the ballots cast be necessary to elect, neither the relator nor the incumbent were elected, whereas if a plurality be enough the relator was elected if the vote of the township be disregarded, and the same was true if the vote of the township were thrown out and the majority of the remaining votes be held to be sufficient to elect. The board of registry and election threw out the township vote and gave a certificate of election to the relator. The board of chosen freeholders denied the relator's right and seated the incumbent.

After reviewing the statutes relating to elections, the court held the provisions governing the same were mandatory, and stated:

It deals with a matter of substance that goes to the qualification of electors. It not only makes it illegal for any elector to vote elsewhere than in his own district, but also makes his title to vote dependent upon the exercise of that right within the election district in which he actually resides, placing this qualification upon the same plane with those required by other statutes and by the Constitution. Obviously, this is not a mere monition. Both from its nature and its association this provision is mandatory in character, and the effect of a vote illegally cast in disregard of it is that in legal effect no vote has been cast. Giving due force, therefore, to the legislative prescript, the ballots cast within the Borough of Tuckerton by electors who actually resided in the township outside the borough were not votes cast at the election, and must be disregarded in computing its result.

The court refers in its opinion to the case of *Bott v. Secretary of State* (33 Vroom, 107), and states as follows:

In that case it was held that in determining whether a majority of votes had been received for an amendment to the Constitution only those electors who lawfully voted for or against the amendment are to be considered. It is true that the opinions delivered dealt only with the language of a given clause of the Constitution, but the line of reasoning is applicable with equal force wherever the question of the computation of a majority of votes is presented. The principle announced is that ballots cast at an election are to be deemed votes only when legally capable of being counted as such, and that in determining the total vote upon which a majority is to be based the votes that may figure in the result and not the ballots that were cast in the box are to be considered. Applying this rule to the vote spread upon this special verdict, it will be found that the total number of votes legally capable of being counted for any candidate, if the vote of the township be deemed illegal, was 287, of which the relator received 161, a majority of 17 over the two other candidates.

The conclusion reached by the court was that the ballots cast in the borough of Tuckerton by the electors who resided in the election district that lay outside the borough were not legally capable of being counted as votes for any purpose and that the relator was elected by the remaining votes legally cast at the election.

The case of *Hopkins v. City of Duluth* (81 Minn., 189) was an election contest instituted against the city of Duluth to test the question whether a proposed charter for the city, submitted at a general election, had been ratified by four-sevenths of the qualified voters voting at such election. Under the findings of fact returned 6,707 ballots were deposited in the ballot boxes by the voters, which was the aggregate number for consideration in estimating whether the new charter received the adequate number of votes to secure its ratification, which, under the constitutional amendment, should be four-sevenths of the qualified voters voting at such election. A certain number of illegal votes had been cast, and the court took the view that a sufficient number of ballots were cast which must be excluded from the total number to sustain the charter by the constitution of four-sevenths provided for under the constitutional amendment. Of the total number of votes cast, 26 were excluded by the court, and if this exclusion is justified the charter was duly ratified.

The court in this case held:

That of the 26 ballots thus excluded by the court, five had either the names or initials of the voters casting them written thereon and clearly indicated such evidence of identification of the persons casting such ballots as constituted a plain and palpable infraction of the election law. They were not counted, although expressing in each case the voter's choice in certain respects. (*Pennington v. Hare*, 60 Minn., 146; 62 N. W., 116; *Truelsen v. Hugo*, supra, p. 73.) That the identified ballots thus deposited should be excluded from the total vote is the only reasonable inference that follows from the application of the doctrine of these cases. The fraud which nullifies the choice expressed on these ballots must logically vitiate their use for any purpose. They were void. It necessarily follows that the poll list can not be regarded as absolute evidence of the aggregate vote upon which the constitutional majority is to be estimated.

Of the 26 ballots excluded by the trial court, 15 had markings upon them, but expressed no effective choice for any candidate, or upon either the bond proposition or the ratification of the charter. The voters who deposited these ballots did not by any mark or indication, even under the liberal construction of this court in the recent case of *Truelsen v. Hugo*, supra, express a choice. Their ballots were unintelligible and meant nothing. The effort of the voter in each instance to avail himself of his right of franchise amounted to nothing, and the most we can say for each of these ballots is that it was a mere attempt to vote, and could not be counted, and none of them was, in fact, counted. Six other ballots were totally blank, which the voters, without the use of the pencil in any way, deposited in the ballot box. The fraudulent ballots, the 15 ballots with unintelligible markings, and the

six blank ballots, together constituted the 26 excluded by the trial court from the total number.

I further cite the case of *Bott v. Secretary of State* (62 N. J. Law, 107). Different constitutional amendments were submitted by the legislature to the electors of the State of New Jersey for their ratification or rejection. The board of State canvassers convened, and in the manner prescribed by the statutes determined and declared which of the proposed amendments had been adopted, and delivered a statement of the result as to each proposed amendment to the secretary of state to be filed in his office. By this statement it was also certified that the number of names on the poll list who voted at the election was 141,672, the number of votes cast for the amendment in question was 70,443, and the number of ballots rejected was 961.

The court, in its opinion, on page 127, states:

If the determination of the result is made on the basis of a comparison of the votes cast for this amendment with the qualified voters in the State or with the number of voters whose names appear on the poll books, the amendment did not receive a majority. But by the constitutional provision under consideration, though the proposed amendment is required to be submitted to the people of the State, the approval and ratification of an amendment depend upon the majority of the electors who are not only qualified to vote, but do vote thereon at such election.

The constitution requires that the approval and ratification of any amendment shall be by a majority of electors who are not only qualified to vote, but who did actually vote upon such amendment; that is, qualified voters whose ballots were entitled by law to be counted in declaring the result of the election either for or against the amendment. Though a qualified voter succeeds in getting his name on the poll list and a ballot in the ballot box, he is not a voter voting on the amendments unless his ballot is such as is prescribed by law and conforms to the general law regulating elections.

The ballots returned as rejected must be taken to have been properly rejected, and consequently are to be excluded from the computation of the votes cast for or against the amendments. Such ballots were simply nullities.

In other words, it was held by the court that it must be presumed that the ballots so certified by the election officers as rejected were properly rejected as void and illegal and consequently were to be entirely excluded from the computation in the ascertainment of the result of the votes cast for and against the amendment, and that in canvassing the result of an election such ballots were mere nullities and could not be counted as ballots for any purpose.

Had the illegal and rejected ballots been counted and such ballots regarded as ballots for any purpose, the amendment in question would have been lost. They were, however, entirely excluded by the court, and as a result the amendment was declared legally adopted by a majority of 801 votes.

The case last referred to under the same title appears in Sixty-third New Jersey Law, page 289, wherein substantially the same questions are involved as affecting only one of the constitutional amendments submitted for adoption with the others mentioned in the preceding case.

From the statement it appears that the number of names on the poll lists was 141,672; that the number of ballots rejected was 961; that the number of votes given for the lottery amendment was 70,443 and the number of votes given against it was 69,642. It was insisted by the attorneys that a majority of all the voters, as shown by the names on the poll lists, or at least a majority of all those who cast ballots, whether the ballots were for or against any amendment or were rejected, was necessary for adoption.

In this case the court states:

Evidently only those voting for or against an amendment are to be deemed those voting thereon. By the words "electors voting thereon" are intended the electors who exercise the right of suffrage in such manner that their votes should, under the law, be counted for or against the proposition submitted; and although the number of names on the poll lists may represent the number of qualified electors who attempted to vote, and the rejected ballots may all have been official ballots cast by some of these qualified electors, still it may be that not all of those qualified electors voted, in the constitutional sense, and that the rejected ballots were not votes. If, for example, an elector presented to the election officer and the officer deposited in the ballot box two or more official ballots rolled or folded together, and in canvassing the votes the ballots were so found, those ballots would, under the law, be null and void, and the elector would not have voted on any of the amendments. Now, in the absence of evidence to the contrary, the presumption is that the election officers acted rightly and therefore that the rejected ballots were rejected for legal cause and were not votes for or against any amendment; that all the votes legally capable of being counted for or against the lottery amendment were 140,085, and that only so many qualified electors voted thereon, of whom a majority approved and ratified it.

Payne, in his work, *The Law of Elections*, section 513, states the rule as follows: "Where illegal votes have been cast the true rule is to purge the poll, by first proving for whom they were cast, and thus ascertain the real vote."

Mr. President, reference has been made during this debate to certain cases reported in Senate Election Cases, and especially to the Clark case, the Payne case, and the case of John J. Ingalls. I desire to call the attention of the Senate to the rule as laid down in those cases and the basis for its authority as applied to the case now under consideration. These cases were

especially referred to by the senior Senator from Iowa [Mr. CUMMINS] and the junior Senator from Ohio [Mr. BURTON]. I want to be entirely fair, and I quote from the recent speech delivered by the senior Senator from Iowa. After referring to the Payne case, he states:

I want now to show the Senate in a very few minutes, because I must bring these remarks to a close, that the rule for which I contend is the rule of the Senate; that if any other is established it departs from the well-considered judgment of the Senate. I ought to qualify that, because in neither of the cases to which I shall refer was there a judgment of the Senate. In both of them the opinions I shall quote are the opinions of the committee.

Mr. President, let us look for a moment at the Clark case. The members of the Committee on Privileges and Elections at that time were the following-named Senators: Chandler, chairman, Hoar, BURROWS, Pritchard, McComas, Caffery, Pettus, Turley, and Harris.

On page 907, *Compilation of Senate Election Cases*, I find that on April 23, 1900—

Mr. Chandler, from the Committee on Privileges and Elections, reported the following resolution:

"Resolved, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Montana."

On the same page and on the same date this appears:

Mr. Chandler, from the Committee on Privileges and Elections, submitted the following report, to accompany Senate resolution 284—

Being the resolution above referred to. The report is quite voluminous, especially in its findings of fact. In the fourth finding it appears that \$154,000 had been paid out by Senator Clark in that election. It was also found by the committee that E. P. Woods, a member of the legislature, was approached and sought to be influenced as a member of the legislature to vote for Senator Clark. I also read from the findings of the committee in reference to the member Woods:

Senator Clark knew of Mr. Bleckford's attempt to purchase the indebtedness which Woods owed, and the correspondence shows that the object was to secure Mr. Woods's vote for Senator Clark.

I further find on page 910 a statement directly bringing the matter home to Senator Clark in connection with a member of the legislature who was paid \$2,000. I further find upon the same page in connection with Mr. E. C. Day, a member of the legislature, that—

on February 13 Senator Clark personally wrote a letter directing that \$5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future.

So, Mr. President, in the Clark case the acts of bribery were brought directly home to Senator Clark and his direct connection therewith shown from the findings of the committee. So far as the law of that case is concerned, it made no difference whether there was only one vote bribed if Senator Clark were connected with it, or whether the whole membership who voted for him—54—had been bribed.

Possibly my statement has not been entirely just or sufficiently full. I want to be entirely fair to the Senator from Iowa in my statement in regard to his reference to this case. After making reference to the Clark case and the law laid down by the committee, he followed it with this statement:

It is the exact situation which we now have before us. There is not one hair's-breadth difference between that case and the one we have here. If we were to pursue the rule insisted upon by these Senators, Mr. Clark would have shown an unimpeachable title to his office, but it was nullified without a dissenting voice. The rule which is now insisted upon can not be applied, it never will be applied, and it never has been applied in any tribunal in the enlightened world, as can easily be shown by an analysis of the various cases.

But I need go no further than to ask the Senate to stand firmly by that which has already been decided in this body. That report and that statement and that view of the law was concurred in by every member of that committee, no matter what his political affiliations may have been.

Now let us see, Mr. President, as we follow this case through and note its application. A minority report was submitted by Senators Pettus and Harris, and the first paragraphs in that report are these:

We agreed and still agree to the resolution reported by the committee through its chairman. That resolution was adopted by the committee itself. But the report is merely the writing of the chairman with the aid of one other member and never was submitted to any meeting of the committee, and therefore can not be considered as the words of the committee.

It is true that we saw and read that report, by the grace of the chairman, and dissented from many parts thereof, and gave the chairman notice of such dissent, when the chairman informed us that we were not bound by the wording of the report.

It was our misfortune not to agree with a majority of the committee in the general conduct of the investigation of this case. We believed that in this important inquiry the committee was bound by and ought to act on the ordinary rules of evidence.

And the minority report follows, expressing a concurrence with the resolution. It not only criticizes certain statements made in the report, but sees fit in certain particulars to criticize the chairman of the committee. But into that I will not go.

Subsequently, on May 15, the resolution and report were laid before the Senate. Senator Clark addressed the Senate at length. At the conclusion of his remarks he submitted a copy of a letter written by him to the governor of his State, and at once resigned his seat. In his address Senator Clark, I should judge, criticized the report and the findings made. The committee felt justified in making a reply, and a supplemental report was submitted by the chairman on June 5, 1900. At the conclusion of the formal part of the report there is this statement:

Reference will now be made in this report to the criticisms of the chairman made by the minority of the committee in their addendum to the report by annexing the following memorandum by the chairman.

In the reply of the chairman to the criticisms made by the minority of the committee there is no denial of the charge that the report made was the individual work of the chairman and that the committee never took action thereon.

Mr. CUMMINS. Mr. President—

Mr. GAMBLE. Just a moment.

Mr. CUMMINS. Very well.

Mr. GAMBLE. And as following the suggestions I made, it appears that on March 2, 1901, Mr. Chandler submitted a resolution in the Senate declaring Mr. Clark to be personally responsible for the offense set forth in the report of the Committee on Privileges and Elections and addressed the Senate thereon, confessing in the very record itself that Senator Clark was directly connected with the acts of bribery named in the findings. I do not make any complaint of the Senator from Iowa [Mr. CUMMINS] for adducing this as an authority in the case, but I do protest that it is not a report of a committee upon which the action of the Senate should be bound. If he cares to cite it as the individual judgment of the Senator from New Hampshire, Mr. Chandler, I am perfectly willing it should be submitted as such, but for no further purpose. Now I yield.

Mr. CUMMINS. I think it will be remembered that during the course of my observations upon the Clark case I stated that two members of the committee dissented from the views in some respects of the majority, but that they did not dissent, either directly or indirectly—not by the remotest criticism—from that part of the report which I cited to establish the rule for which I was contending.

I understood perfectly that the report itself was written by the chairman of the committee, the Senator from New Hampshire, Mr. Chandler; but it was a report which, so far as this question is concerned, was concurred in by every member of the committee.

I stated also, as you will remember, that the Senate did not vote upon the report, inasmuch as before action could have been taken upon it by the Senate Mr. Clark made it not only unnecessary but impossible for the Senate to express its view upon the report.

Now, one word more. There was in the Clark case, just as there is in this case, the claim that Mr. Clark there and Mr. LORIMER here personally participated in the bribery practiced, or at least had such knowledge of the corrupt practices—

Mr. GAMBLE. That is, you say that is the claim made on the floor of the Senate. But, as far as the committee is concerned or the members of the subcommittee who had to do with conducting the investigation in the case of Senator LORIMER, upon that element of the case there is entire unanimity of the subcommittee.

Mr. CUMMINS. That is true. I do not distinguish the subcommittee from the full committee.

Mr. GAMBLE. That is, I mean to state there is unanimity in the committee upon this proposition, including the Senator from Tennessee [Mr. FRAZIER]; that is, that Senator LORIMER had nothing to do with bribery, if such there was, and had no knowledge concerning it nor did he participate therein. That is the element concerning which I speak.

Mr. CUMMINS. I was not distinguishing between the subcommittee, which heard the testimony or conducted the investigation, and the full committee in this respect. As I understand, the views of the minority as submitted by the Senator from Indiana [Mr. BEVERIDGE] suggest, if they do not claim, that the Senator from Illinois can not be acquitted of guilty knowledge of the bribery which occurred in his election. If that be not asserted by the Senator from Indiana in his report, it has been asserted many times upon the floor during the discussion.

Mr. GAMBLE. Yes; I made that distinction.

Mr. CUMMINS. So that, I repeat, in the Clark case there was a claim of personal participation in the bribery, just as in the Lorimer case there is a claim of personal participation or knowledge of the bribery. But the committee in the Clark case, in the portion of the report which I read during the course of

my remarks, declare that, even though there were no knowledge on the part of Mr. Clark of the bribery practiced, even though there was no participation in the bribery—

Mr. GAMBLE. On that element of the case there is certainly no contention on this floor or anywhere else.

Mr. CUMMINS. Nevertheless the bribery of eight members of the Legislature of Montana on behalf—not by, but on behalf—of Mr. Clark rendered his election illegal and void. It was upon that point, and that point alone, that I cited the report of the committee in the Clark case. It has nothing whatsoever to do with the view of the committee as to the result in the event that Senators were convinced that Mr. Clark had personally participated in the corrupt practices.

Now, the only point the Senator from South Dakota, as I understand, makes against my use of the report in the Clark case is that the two dissenting members were not satisfied with the report in that it was the work of the chairman of the committee and they were not sufficiently consulted in regard to its preparation. They proceeded to point out the respects in which the work of the chairman and the work of the committee were unsatisfactory to them. But nowhere in their views do they even suggest any difference from the chairman, or from the majority of the committee, with regard to the rule laid down in the report and which I cited in the presence of the Senate.

Mr. GAMBLE. I simply wanted to call the attention of the Senator from Iowa and the Senate to the fact that I have no complaint as to his reference to the Clark case or to the manner in which he stated it, but instead of presenting it to the Senate as the finding and report of a committee, which it was not, it should have been presented as the individual view of Senator Chandler, and that alone. For the proposition of law enunciated by him in the report there was no necessity whatever, because it was extraneous, and under the findings made by Senator Chandler it showed the direct connection of Senator Clark with the act of bribery in question, and it mattered not whether there was one vote, whether there were eight votes, or whether the whole membership that voted for him—54—had been bribed.

Mr. CUMMINS. Mr. President—

Mr. GAMBLE. Wait a moment.

Mr. CUMMINS. May I ask just one question? Then I shall have finished.

Mr. GAMBLE. I have meant to yield with great respect and consideration, and I will yield for an interrogatory.

Mr. CUMMINS. Just one question more. Is there in the report itself, including the views of the minority, or is there in the debate on the floor of the Senate, as found in the CONGRESSIONAL RECORD, a dissent either by any member of the committee or any Member of the Senate to the rule which I announced as the rule of the Clark case and from which I read in my observations?

Mr. GAMBLE. Upon that question there was no debate in the Senate. Mr. Clark, then the sitting Member, addressed the Senate at length upon the facts. Subsequently Senator Chandler maintained the view which I have already stated, receding practically from his first position, and maintaining the rule that Senator Clark was directly connected with the bribery; hence it was a matter entirely immaterial whether there were one vote or eight votes tainted; and with that I leave the case.

I desire to refer briefly to the Payne case. The Committee on Privileges and Elections at that time had a distinguished and most able membership. As stated by the Senator from Iowa, there was no specific action taken by the Senate upon this case aside from the adoption of the report of the majority of the committee. This is largely true in most of the cases reported in the Senate Election Cases. The rule has been laid down and the law largely stated by the committee rather than by direct action of the Senate.

In the Payne case many resolutions, petitions, and papers were submitted to the Senate requesting an investigation. After very full consideration a majority report was made and concurred in by Senators Pugh, Saulsbury, Vance, and Eustis. A supplemental or an independent report was also submitted by Messrs. Teller, Evarts, and Logan, all agreeing with the majority of the committee that no sufficient showing had been made to justify an investigation by the Senate in the election of the Senator from Ohio. What is called the minority report was submitted by Messrs. Hoar and Frye, and the reference made by the Senator from Iowa to that case in his speech, as plainly stated by him, was in regard to the views as to computation as stated in the minority report. I trust I am not unduly critical, but I feel I am justified in stating the facts.

When the report was made to the Senate the resolution of Senator Hoar was submitted, favoring an investigation, and a vote was had to substitute this resolution of the minority for the resolution submitted by the majority, and that was negatived

by a vote of 44 to 17. The resolution of the majority was then adopted by the same vote. If there can be any rule drawn from the minority report, it is simply on account of the individual eminence and ability of the Senators who signed it. But it certainly can not be claimed here that the Senate itself is bound by the views of the minority, when, as a matter of fact, the position of the majority was accepted instead.

I listened, Mr. President, with great pleasure and satisfaction to the closing paragraphs of the recent address in this case of the junior Senator from New York [Mr. Root]. He made me feel apprehensive almost of the integrity of the Senate, of the perpetuity and stability of our common country, and of human liberty the world over. I heartily and cordially indorse the splendid and patriotic sentiments expressed by him. It hardly seemed possible, while under the charm of his unusual oratory and power, that the charge even of bribery or corrupt practices, despicable as it is, could ever have been made against any Senator who has ever occupied a seat in this distinguished body and the Senate and our institutions survive.

I trust I hold as high ideals of the Senate as anyone and that the title of each Senator thereto should be unimpeachable, and that it should, in the highest sense, be unsullied from any source and free from taint or stain. For that I trust I now stand, and did I not believe the Senator in question held a good and valid and lawful title to the seat he occupies, both under the law and the facts, I would unhesitatingly vote for his exclusion.

But, Mr. President, no one is entirely free from unjust charges or aspersions, born often in malice. In this connection I recall the case of John J. Ingalls, then a Senator from Kansas. It is reported in Senate Election Cases. Charges were made and submitted to the Senate claiming that 22 members of the legislature that voted for him and which resulted in his election had been bribed to do so, and that his election to this body was invalid and that he should be expelled. The testimony is printed in full, but there are no findings of fact or conclusions made by the committee in its report. The report itself is most limited. I will read simply the resolution submitted by the majority of the committee in the case:

Resolved, That the testimony taken by the committee proves that bribery and other corrupt means were employed by persons favoring the election of Hon. John J. Ingalls to the Senate to obtain for him the votes of members of the Legislature of Kansas in the senatorial election in that State. But it is not proved by the testimony that enough votes were secured by such means to determine the result of the election in his favor. Nor is it shown that Senator Ingalls authorized acts of bribery to secure his election.

The report submitted by the minority, consisting of Senators Cameron, Logan, and Hoar, is as follows:

We concur in part of the report. We exonerate Mr. Ingalls from any complicity with improper practices. We also find that the result of the election was not accomplished by such practices. We think that when the report goes further and finds that persons favoring Mr. Ingalls's election were guilty of such practices, it should in justice state what was clearly and unquestionably proven—that such means were employed in opposition to his election.

So, Mr. President, in the election of Senator Ingalls we find that corrupt practices and bribery prevailed upon both sides in this contest. There were not enough votes corrupted or purchased to affect the result of the election, and this without the knowledge, consent, or approval of Mr. Ingalls. Yet in the election it required 85 votes to secure a lawful majority. The record discloses, however, that Mr. Ingalls received 86, only one more than a legal majority. Yet, Mr. President, notwithstanding these charges and the great humiliation that must have come to him and the people of his State, his record here was so conspicuous and unique they were soon forgotten, as well as his defamers. When a few years since his people were seeking out their most distinguished and representative name in the whole history of their great Commonwealth, the choice rested upon that of John J. Ingalls, against whom these calumnies and unjust charges had been hurled, and his marble statue worthily adorns the sacred place in this Capitol as an honor to the State he loved and to the country he so conspicuously served.

FORT TRUMBULL.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 30149) to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service, to report it without amendment (S. Rept. No. 1135), and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES CIRCUIT JUDGES.

Mr. BACON. Mr. President, I offer a resolution, which I ask may be read, and I desire to say just two or three words before any action is taken in reference to it.

The PRESIDING OFFICER. The Secretary will read the resolution (S. Res. 339) submitted by the Senator from Georgia. The Secretary read as follows:

Resolved by the Senate, That the Committee on the Judiciary be instructed to investigate and report whether, in the opinion of the committee, the abolition of the circuit courts of the United States would, in effect, also abolish the offices of the circuit court judges.

Mr. BACON. Mr. President, I ask the indulgence of the Senate for only a very few moments. Yesterday we passed the bill known as the judiciary bill, I believe, in which there is an abolition of the circuit courts of the United States, not only in effect but in terms. I read the first part of section 274, which is in these words:

The circuit courts of the United States upon the taking effect of this act shall be, and hereby are, abolished.

Mr. President, I want to call the attention of the Senate to the fact that it is a very grave question whether the abolition of the circuit courts of the United States does not abolish and vacate the offices of the judges of the circuit courts of the United States and end the tenure of the officers now holding it.

It is a fundamental proposition, Mr. President, which I presume will be disputed by none, that wherever there is a statutory office created and officers appointed to perform the duties of that office, and by statute that office is abolished, the office of the officer is also abolished, and he ceases to be an officer.

Mr. President, the judges of the circuit courts of the United States have no office except that of judges of the circuit court of the United States. They are so nominated, so confirmed, and so commissioned. That is their entire tenure of office. They are circuit court judges of the circuit courts of the United States. They are denominated in the law "circuit court judges." It will not do to say that the office of circuit court judge has been transformed into the office of judge of the circuit court of appeals. There is no such office. There is no such officer as a judge of the circuit court of appeals. A judge of the circuit court is authorized to sit in the circuit court of appeals, and a judge of the district court is also authorized to sit in the circuit court of appeals, but there is no officer known to the law as the judge of the circuit court of appeals.

The only officer known to the law with reference to the circuit court is the judge of the circuit court. He may sit in the circuit court of appeals. A district judge may also sit in circuit court of appeals. But when you repeal the office of circuit court it is a very grave question—I will not announce it as a final conclusion—

Mr. HEYBURN rose.

Mr. BACON. I hope the Senator will pardon me until I get through stating my proposition. I will then listen to him with pleasure. It is a very grave question whether the office of circuit judge does not go with it.

I want to read an authority on that subject. I hold in my hand a Kentucky report, First Dana's Reports. In the case of *Bruce v. Fox* the question was brought into issue whether or not the repeal of an office created by statute, the abolition of the office, did not at the same time abolish the officer and end his tenure. Here is what the court of appeals of Kentucky, the highest court in the State, said on that subject. I can not stop to read all of the case, and I do not propose now to go into any elaborate discussion of it. I simply want to call the attention of the Senate to the gravity of the question. The Senator from Kentucky [Mr. PAYNTER], with pardonable pride, says to me that the reports of this court are so good I ought to read all of it, but I am satisfied that time does not now permit. The court says:

The office must continue as long as the law which created it shall continue, and no longer. The legislature, when it declared that the law should continue in force for two years, meant no more and could have done no more, than to say that the law should continue for two years, unless sooner repealed, and should continue to operate no longer than two years, unless, before the expiration of that time, its operation should be prolonged by the legislature. Had the law been enacted without any legislative attempt to limit its operation, the office which it established would have continued to exist as long as the law should have remained in force, and no longer. A repeal of the law by the legislature next succeeding that which enacted it would have abolished the office; and there being no office, there could be no officer; for, if the constitutional tenure be "good behavior," and the continuance of the office (and not the continuance of the circuit courts), then, as the office is only legislative in its creation, it may be abolished by legislation, and when thus abrogated, the incumbent is ipso facto out of office.

Mr. President, as I said, this is a big question to be discussed at this time, and in offering the resolution I did not propose to discuss it at length now. I desired that it should be inquired into, in view of the action of the Senate on yesterday.

I am told aside by the Senator from Kentucky, who himself was at one time a judge of this court, that the judge who pronounced the opinion from which I read was the greatest judge who ever occupied that bench.

As I was saying, Mr. President, my object in calling the matter to the attention of the Senate now is that there may be a consideration of this question. It may be that it is not important that the Judiciary Committee should examine it, because the attention of the lawyers who are on that committee being called to it, they will have further opportunity to investigate it. But I do think it illustrates the unwisdom in a matter of this gravity of proceeding upon it as we did yesterday afternoon, and it illustrates the importance that matters of this gravity shall be referred to the law committee of the Senate, or if that is not done, that the Senate, composed as it is in the main of lawyers, shall give questions of this character more careful examination than was given in this case.

The very fact, Mr. President, whether this be decided the one way or the other, that so grave a question as this should have escaped the attention of the Committee on the Revision of the Laws and have no discussion whatever, and should have escaped the attention of the Senate when it came to pass it, illustrates the importance of great deliberation in the enactment of such legislation.

Mr. HEYBURN. Mr. President, the committee did not overlook this question or its importance. It occupied the attention of the committee for many days and received the closest consideration.

I think the Senator from Georgia has overlooked section 116 in the bill. The circuit judges, both in existence and to be hereafter appointed, are assigned to duties just as they were assigned in the original act creating the circuit courts. I do not mean with the same assignment, but in the same manner. The circuit judges are not dispensed with nor are their duties in any way changed, so far as the administration of the law is concerned.

Section 116 makes provision of the same character and of the same binding force as was made in the original act which created the circuit courts or provided for circuit judges.

Mr. CLARKE of Arkansas. I ask the Senator from Idaho to read section 116.

Mr. HEYBURN. I will read the section at the request of the Senator from Arkansas. Perhaps I had better read section 115 in connection with it. Section 115 provides as follows:

Sec. 115. There is hereby created in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established.

Those words are practically the same as those used in the creation of the court originally.

Sec. 116. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges, and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of \$7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit.

Following that are the provisions assigning these officers to their duties. No question was raised in the enactment of the circuit court of appeals law. It was not thought at that time that the conferring of additional or other duties upon these judges in any way affected the existence of their office.

The circuit court was the name of a court with a defined jurisdiction. The judges were merely named in connection with the performance of those duties and the exercise of that jurisdiction. Now, we have done nothing different, either in effect or substance, in the bill. We have provided that the circuit judges shall perform their duties in both the circuit court of appeals and in the district court. It is only a change of name in the district court, the jurisdiction of the circuit court being transferred to that court under the name of the district court.

If this were the first legislation upon the subject of circuit judges or of circuit courts, there would be experienced no difficulty in applying it to existing conditions. We may abolish, and have abolished courts before; we have created courts; and we have assigned judges as judges to the performance of the duties in those courts.

Should the resolution introduced by the Senator from Georgia go to the committee of learned lawyers who constitute the Judiciary Committee of this body, I think they would require but slight investigation to convince them of the fact that the committee has simply carried forward the duties that rest upon those judges as applied to the reorganization of the judiciary system. I think the Senator will find that Congress has always maintained its right and exercised its duty in the assignment of the judges. These courts are statutory courts. They are pro-

vided for under Article III, section 1, of the Constitution of the United States, which reads:

The judicial power of the United States shall be vested in one Supreme Court—

That Congress could not change—

and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Mr. RAYNER. May I ask the Senator a question, just for information?

Mr. HEYBURN. Certainly.

Mr. RAYNER. Suppose the Supreme Court is a statutory court and the Supreme Court was abolished and the Supreme Court Judges had been assigned to the circuit courts, does the Senator from Idaho think they should perform circuit court duties after the Supreme Court was abolished?

Mr. HEYBURN. I do not see the necessity of the inquiry, with all deference to the Senator from Maryland, because we have not power to abolish the Supreme Court.

Mr. RAYNER. I say, if it was a statutory court. Let us take any statutory court. I am just asking principally for information, because, of course, I have not come to any conclusion upon it. You abolish the circuit courts. With the circuit courts go the judges of the circuit courts. The circuit judges have been assigned to certain appellate duties, but you abolish the court over which they were appointed by the President. Because they have been assigned to certain appellate duties, does the Senator claim that the judges of that court exist, though the courts over which they have been appointed have been abolished?

Mr. HEYBURN. Mr. President, it is not necessary to go very far into that field of inquiry. The thing that is created is the court. The judges are appointed as individuals for life in the United States courts. It might be that Congress, acting unwisely, would abolish the functions of those judges, but they are judges for life. There is no complication at all arising out of this situation, because it provides in terms for the performance of judicial duties by these men who have been appointed; and it matters not what you call them, whether you call them circuit judges or judges of the circuit court of appeals or United States judges authorized and directed to sit in the district court.

Mr. RAYNER. Mr. President, let me ask the Senator a question, just for information. The Senator says these judges have been appointed for life. Over what courts have they been appointed for life?

Mr. HEYBURN. They are appointed as judges.

Mr. RAYNER. Over what court?

Mr. HEYBURN. The law does not say over what court they may preside, except as it is applied in each of these three jurisdictions.

Mr. RAYNER. The Senator is mistaken, I think.

Mr. HEYBURN. I think if the Senator had heard my complete sentence he would hardly have criticized it in that way.

Mr. RAYNER. I will hear the Senator.

Mr. HEYBURN. The law has provided for three courts in which these judges may perform their judicial duties. That is as much a provision of law as is that provision creating the court.

Mr. RAYNER. The point I make is that they perform their judicial duties as judges of the circuit court, and you abolish the court over which they are judges; they are not performing their duties as judges of an appellate tribunal; they are performing their duties as judges of the circuit court; you take away the foundation upon which the appointment is made, and you leave them nothing except a bare assignment of duties without the judicial functions for which they were appointed.

Mr. HEYBURN. They are not performing duties in the circuit court when they are sitting in the circuit court of appeals. Neither are they performing duties in the circuit court when they are sitting in the United States district court. They are performing the duties of the court to which they are assigned. They are United States judges appointed for life. We have not incorporated any embarrassing question into this law, because we have not allowed for any condition that would result in a judge being unassigned.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. BACON. The Senator says they are appointed as judges for life. The question I desire to ask the Senator is this: Suppose the court were abolished and nothing more said, and there were no other duties to which they were assigned, would the

judges still be judges entitled to draw the salaries for the balance of their lives?

Mr. HEYBURN. The difficulty of the Senator's question is that such conditions do not exist.

Mr. BACON. I am speaking of that for an illustration. Such a case could exist; and if the proposition is true in one case, it would be true in the other.

Mr. HEYBURN. We were not considering conditions that might exist. We were dealing with existing law and we were providing occupation for United States circuit judges. The fact exists that they always perform duties outside of the circuit court, and they were as much judges of the courts in which they performed those duties as though the circuit court had existed in name only, with nothing to which its jurisdiction would attach. They would, nevertheless, be the judges of the courts to which they had been assigned for duty by Congress, which possesses that power. We have not changed it.

Mr. RAYNER. Mr. President, just as a matter of information, let us take this case: Suppose the judges of the supreme court of the District of Columbia were assigned to appellate duties, and Congress passed a law abolishing the supreme court of the District of Columbia, would not the judges go with the court? I ask the Senator if, in his opinion, the judges would still have a right to perform the appellate duties to which they are assigned, when the court over which they had been appointed was abolished.

Mr. HEYBURN. If the appellate duties to which they were assigned did not grow out of their duties in the court the name of which was written in their commission. In other words, they are as much judges of the district court or of the circuit court of appeals as they are judges of the circuit court. You may eliminate one portion of the duties that rest upon them under the law, but you do not eliminate their duty or their jurisdiction to sit in the other courts to which by a solemn act of Congress they have been assigned as the presiding officers.

Congress, first creating a circuit court judge to sit in the circuit court, afterwards enlarges the jurisdiction of that judge, or rather the scope of his duties, by making him as well qualified to sit in two other courts. Would it be contended that we had made no provision for judges to sit in the court of appeals or in the district court because we had abolished one of their functions, which was to sit in the circuit court? These are United States judges, they are United States circuit judges, they are United States district judges, or judges of the circuit court of appeals as they may exercise the functions of those several offices.

Mr. OVERMAN. May I ask the Senator a question?

Mr. HEYBURN. Certainly.

Mr. OVERMAN. We have created what is known as a Customs Court and some judges have been appointed to hold for life in that court. Suppose we should repeal the law creating the Customs Court, would those gentlemen still hold as judges, and what would be their jurisdiction?

Mr. HEYBURN. If I were to take up that question I probably would invade a new field of inquiry as to the status of those judges, but I am dealing now with courts of general jurisdiction. The three courts I have enumerated are courts of general jurisdiction. I do not feel impelled at this time to enter into the question as to the effect upon the tenure of office of a judge of a court of limited jurisdiction, because it does not enter into the consideration of this case.

The courts of general jurisdiction were created naturally at the beginning of the Government, but not all of them. As conditions expanded, it was found necessary to create other courts and to provide for the executive and presiding officer in those courts. We did that not by creating new judges in all cases, but by assigning judges with a life tenure to the performance of those duties. It was a perfectly harmonious system, and we have not changed it in one iota. We have carried that system of judges performing duties by assignment into this law. Senators will find, I think, with patient observation, that there will be no embarrassment whatever. We have provided for judges according to the offices that have been created and for the assignment of the judges to the performance of the duties in those offices.

I do not intend to prolong this discussion. I assume that the adoption of the resolution and the reference of the matter to a committee of this body will not embarrass the situation, because when this law goes into effect it may await the academic question or the opinion of that committee.

The Senator seems to resent the fact that this question did not go to the Judiciary Committee of this body. I do not intend it, of course, in an offensive sense in any manner, but for 20 years Congress has been endeavoring to crystallize the necessity of the law and bring together and mold into a concrete and

practical form the various statutes that have been enacted since the revision of 1878. It was a great necessity. The Judiciary Committee of this body, of which the distinguished Senator from Georgia is a member, who commands the respectful attention of everybody, has through all these years evidently been of the opinion that this duty could best be delegated to a joint committee of the two Houses of Congress.

I will not enter upon a consideration of the qualification of those Members, even eliminating myself from their number, but there has been no objection during all these years of expensive inquiry and patient consideration to the manner in which the laws of the country were being codified and molded into a useful and convenient form.

When we come in here with the result of years of labor we are met with a proposition that the question should not have been submitted to the joint committee of the two Houses, but that it should have gone to a standing committee of this body. That standing committee has stood by during all these years with a full knowledge (and we are bound to presume they have full knowledge because it is a measure that has been before them continually) of what was being done. Of course, under this resolution I do not for a moment assume the Senator from Georgia thinks that that committee could influence, or direct, or control the work of the joint committee of Congress. A joint committee of Congress represents both Houses, and when compared with it, it is not less in either power, jurisdiction, or intelligence than a standing committee of either House. The members of this committee are lawyers who have been engaged in the practice of the law through a long, active lifetime; they come well equipped for the performance of these duties, and it is late in the day to raise the question as to whether they are competent to deal with these questions.

If the Senator could point out that in the body of this bill there was a failure to make provision for the assignment or the duties of these judges, then we might have something tangible to which to direct our minds, but to make a general objection to the work of this committee—and all committees of this body are of equal dignity and everyone the peer of the other—does not seem to me to call forth the serious consideration of this body.

Mr. BACON. Mr. President, the Senator can not say more in favor of the dignity, ability, industry, and capacity, and in every respect of the lawyers constituting that committee than I would say for them myself. I do not know how I can add to that, because the Senator has spoken in such terms that possibly it would be difficult to speak in superior terms of that committee, to all of which they are justly entitled.

I do not, Mr. President, occupy the position to which the Senator would assign me. I do not say that the entire work of this committee ought to go to the Judiciary Committee. I recognize the fact that the appointment of the committee in the original contemplation of the scope of its duties was a very wise and proper thing to do. In the enactment of statutory laws necessarily there are some inconsistencies between different statutes. There are some things which are not properly expressed. There are some things which in different statutes are duplicated. There are some things which are found in one statute which properly belong under a different subject matter. Those are the things which it occurs to me are properly within the jurisdiction of a committee to which has been assigned the task of a revision of the laws, and I think it is one which properly occupied the time and the diligence of that committee, and that they performed their work most admirably well.

But, Mr. President, I do suggest that changes in the law, especially radical changes, not changes necessary simply to reconcile inconsistent statutes, but changes in the law which go to the very framework of our judiciary system, are not within the scope of a committee charged with the revision of the laws.

All that I desire the Senator from Idaho should understand my intention to be is that where the committee, justified if you please by the urgency of the need, has gone outside of the ordinary work of a committee on the revision of the laws and framed laws, repealing laws relating to the most important part of our judiciary system, according to the view of some of us, and seeking to make changes in the laws, those are proper questions to go before the collaborating work, if you please, of other committees, not that they would overrule them, but that the Senate, which at last is the body to pass upon the work, may have the advantage not simply of the investigation of one committee but of two committees.

It is true that most Senators are lawyers; and I have no doubt it is true that there are lawyers in the Senate who are fully the equal, if not the superior, of the lawyers who are on the Judiciary Committee, among whom the illustrious Sen-

ator from Idaho is certainly to be classed. I say that with all earnestness. We all recognize him as a lawyer of the highest capacity and learning; and there is no disparagement in asking that a matter of such gravity as this shall go to the committee which the Senate has selected as that particularly charged with the consideration of law questions.

That much I say in order that there may be no basis for what the Senator would assume to be a reflection upon the joint committee in offering this resolution. It is not a reflection. And I want to say to the Senator and to the Senate that the suggestion that these matters should go to the Judiciary Committee did not originate with me and it did not originate with lawyers who are on the Judiciary Committee. Some of the most eminent lawyers of this body, some possibly not quite so frank and outspoken as I have been so imprudent as to be, have said to me, and have said to others, that where important changes have been made in the law by this committee they should go to the Judiciary Committee.

Mr. President, coming back, I wish to say a very few words in reply to what the Senator said in reference to the question which brought up this debate. I do not desire that the debate shall be continued, because I do not myself profess to be ready now to discuss the question elaborately. I have very grave apprehension, however, that the point suggested by this resolution is one of not the ease of solution which the Senator from Idaho would suggest, and I think, from the inquiries which have been made of him by other lawyers in this body, that he himself, possibly, has now reached the conclusion that when the Judiciary Committee comes to deal with it they may not find it a matter in which the answer lies upon the surface, but they may have to dig a little deeper to find one which will be entirely satisfactory to themselves.

Mr. President, I want to say one thing in response to the suggestion of the Senator about the assignment of judges from one court to another court. While I do not profess to be thoroughly familiar with every statute which has been passed by Congress in the more than a hundred years of its existence, I am sure the Senator can not find a case where there has been the abolition of a court and the assignment of the judges of that court to the duties of another court.

Why, Mr. President, would that be an impossibility? Simply because when you destroy one court and take its judges and say they shall perform the duties of another court you have invaded the requirement of the Constitution that for every court the judges shall be specifically appointed, that they shall come to this Senate under the nomination of the President and be confirmed by the Senate.

What right have we to create another court? What right have we to destroy one court and say that the judges who have heretofore been nominated by the President and confirmed by the Senate shall go and be the judges of that court? Mr. President, manifestly when the court is destroyed, if the powers of those judges are the powers of that court and they have been appointed as the judges of that court, their office falls with it—falls with the court to which they were appointed.

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. With pleasure.

Mr. HEYBURN. Mr. President, I take it that the court does not consist of a physical object. The court is a question of jurisdiction.

Mr. BACON. Yes.

Mr. HEYBURN. If that jurisdiction is transferred to a tribunal bearing another name, the court is not destroyed, because the jurisdiction, which is the court, is maintained under a different name.

Mr. BACON. But, Mr. President, in this case we absolutely say the court is abolished, and we use the word. It is abolished, destroyed; it no longer exists.

Now, I want to call the Senator's attention to the fact—and I assented to his first proposition because I thought he was going to allude to a fact which I will now mention—that the judges of the circuit courts have no jurisdiction conferred upon them, no powers conferred upon them as judges, except the power to exercise the powers of the circuit court. That is the enumeration of their power. The Senator will search the statutes in vain to find an enumeration of the powers of judges. He will find the enumeration of the powers of the court. The judges are appointed as the judges of the court, and consequently are charged with the duties and powers of the court.

Mr. President, the history of it is simply this: Originally there were no circuit judges. We had a Supreme Court organized under the requirements of the Constitution. We had certain circuits organized, and we had a statute that the several judges of the Supreme Court, corresponding in number to the

circuits, should each of them be assigned as a circuit justice; and they were the judges of those courts. Then, Mr. President, there was no enumeration there of the powers of the circuit justices, but we have page after page of the enumeration of the powers of the circuit courts; that they shall have power to do so-and-so and so-and-so, and all of those powers were the powers of the circuit justices. Then in 1867, 1868, or 1869—I have forgotten the exact year—Congress passed a law creating a circuit judge for each of these circuits. It did not say this circuit judge shall have such powers and such powers, but it said that the circuit judges should exercise the same powers in those circuits that the circuit justices had exercised, consequently coming back to the same definition of powers, which is the recitation of the powers of the court. Now, to say that you can abolish that court, destroy it, take away every power of it, and that the judge, who has no power except from the fact that he is a judge of that court, survives it, it seems to me is illogical in the extreme.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Mr. President, does the Senator from Georgia say that the circuit judge is appointed as a judge of the circuit court?

Mr. BACON. He is appointed as the judge of that circuit, and in the same section he is spoken of as the judge of the circuit court.

Mr. SUTHERLAND. As it appears to me, the distinction is a very important one.

Mr. BACON. What is he appointed for, if he is not appointed the judge of a court?

Mr. SUTHERLAND. The law provides that for each circuit a circuit judge shall be appointed. The law does not provide that for each circuit court a circuit judge shall be appointed.

Mr. BACON. Mr. President—

Mr. SUTHERLAND. If the Senator will hear me through—the law provides that for each circuit a circuit judge shall be appointed. Then the law continues and provides that circuit courts shall be established and designates the districts which shall constitute the various circuits of the United States. Then the law proceeds that circuit courts shall be held by a circuit justice—that is, a Justice of the Supreme Court of the United States—or by a circuit judge of the circuit or by a district judge. Now, does the Senator from Georgia contend that if we abolish the circuit court each one of those judges is abolished, because the law provides that each of them may hold that court? The Senator's position, it seems to me, would go too far.

Mr. BACON. Not at all.

Mr. SUTHERLAND. Because, if he is correct in saying that when we abolish the circuit court the circuit judge that the law provides shall sit in that circuit court is also abolished, then he must hold that the Supreme Court Justice, who is also designated to hold that court, is abolished, and that the district judge, who is also designated to sit in that court, is likewise abolished.

Mr. BACON. Is the Senator through with his question?

Mr. SUTHERLAND. Yes.

Mr. BACON. Mr. President, a great many years ago, when I read Blackstone, I came across a very mysterious expression in that work which I could not then understand, and it is very difficult to understand, but it is easy of illustration, and that is the expression "sticking in the bark." That sounds very strange to a novice or a layman. Now, I say one of the best illustrations that I have ever known of the expression "sticking in the bark" is that given this afternoon by the Senator from Idaho when he said that the appointment of a judge as the judge of a circuit in which there is a circuit court, and only a circuit court as the judicial feature of it, is not an appointment for the circuit court of that circuit. That is an illustration of sticking in the bark, and one of the best I have ever known.

Mr. SUTHERLAND. Does the Senator—

Mr. BACON. I have not finished answering the Senator's question, but I will yield to him further if he desires it.

Mr. SUTHERLAND. Will the Senator permit me right there to ask him a question?

Mr. BACON. Yes.

Mr. SUTHERLAND. I am not going to undertake to say whether the Senator from Georgia or myself is sticking in the bark; that depends wholly upon the point of view; but I ask the Senator from Georgia whether, when the statute simply says that a circuit judge shall be appointed for each circuit, that necessarily means, without going any further, that the circuit judge is appointed to preside over a particular court called the circuit court?

Mr. BACON. Has the Senator completed the question?

Mr. SUTHERLAND. If the Senator—

Mr. BACON. Let me answer the question, if the Senator has asked it. I say undoubtedly, yes; when prior to that time there had been organized in each circuit a circuit court and there was a justice of each circuit court, and when in the very act which provides for the appointment of those judges it is provided that they shall preside in those circuit courts and exercise the powers that the circuit justices had exercised prior to that time.

Mr. SUTHERLAND. Mr. President, there is nothing in a name—

That which we call a rose
By any other name would smell as sweet.

Suppose we had said in the law that there shall be appointed a superior judge in each circuit, had called him a superior judge, instead of a circuit judge, and then had provided that that superior judge, or the district judge, or the Supreme Court Justice might hold the circuit court, would the Senator then say that when we abolished the circuit court the superior judge had been abolished?

Mr. BACON. Undoubtedly; because that superior judge should have had relation solely to that court. The Senator must certainly, when he asks a question, permit an answer to it before he goes on arguing it. The Senator went on to say that if the abolition of the court abolished the office of circuit judge, it also abolished the office of the Supreme Court Justice, who was assigned to that circuit, and that it also abolished the office of the district judge, who was authorized to sit in that court.

Mr. SUTHERLAND. No.

Mr. BACON. If the Senator will pardon me and let me finish, the two cases are extremely and utterly different. In one case the circuit judge has no powers except those of the circuit court, and they are enumerated. When they are destroyed, his power is gone. In the other case, the Supreme Court Judge has the powers of the Supreme Court, and has simply been assigned there to sit in that court, and when that court is destroyed his original position as a Supreme Court Justice remains, with all of its powers. In the same way, the district judge has been appointed as the judge of a district court with its powers, and when the circuit court is abolished the district judge remains the judge of his court, with the original power which is appointed for the particular court with reference to which his name has been attached.

Mr. SUTHERLAND. Now, Mr. President, the Senator from Georgia confounds his own argument better than I could have done it myself.

Mr. BACON. The Senator is under very great obligations to me, then.

Mr. SUTHERLAND. I am under obligations to the Senator. The Senator says we will not abolish the office of Supreme Court Justice because the Supreme Court Justice has other duties to perform. So has the circuit judge. We have provided that the circuit judge shall not only preside over the circuit court, but that he shall sit as one of the constituent members of the circuit court of appeals. We have provided by recent legislation that certain circuit judges shall constitute the Commerce Court. We do not abolish the office of circuit judge because we take away from the circuit judge some of the duties which have been prescribed for him by law, any more than we abolish the office of the Supreme Court Justice or the district judge when we take from either one of them some of the duties which have been conferred upon those officers by law. So long as there is anything left for those judges to do, certainly the office continues.

Mr. BACON. The Senator did not quote me correctly when he laid himself under obligations to me for saying that I had saved him the trouble of confounding me by confounding myself. I did not predicate the argument upon the statement that the Supreme Court Judges have other duties to perform. I predicated it upon the argument that the Supreme Court Justice had other powers conferred upon him.

Mr. SUTHERLAND rose.

Mr. BACON. I have allowed the Senator to go on and make his speech in my time, but he will not permit me to answer him at all.

Mr. SUTHERLAND. I am not interrupting the Senator. I had simply risen.

Mr. BACON. I do not object to interruption if the Senator permits of proper rejoinder on my part. I did not say, I repeat, that that judge had other duties to perform. I said that his original powers remained and were in nowise impaired by the fact that a court to which he had been assigned had been destroyed. That is true both of the circuit justice who goes to the circuit court to preside, and of the district judge who comes up

to the circuit court to preside; but when the court of the circuit judge is destroyed his original powers are destroyed with it, if the decision in the Kentucky case is correct—and I do not think there can be any question about the correctness of it as a legal principle. In the same way with the district judge, when his court is destroyed, there is nothing left for him to do.

I repeat the suggestion which I made that the provision in section 116, or whatever the number was, to which the Senator from Idaho alluded, can not in any manner save this question. You can not destroy the court of which a judge is an officer, destroy all the power in that court, and consequently take from him all the powers which he had only through the enumeration of powers as the powers of that court—you can not do that, and then say to him "we will create another court and assign you to duty." So long as you have a judge of the court you can say that he shall sit in another court so long as his doing so is not inconsistent with his original appointment in any way.

A judge of the Supreme Court can be assigned to duty in the circuit court because he can do that and not have to exercise functions which are inconsistent with his position as a Justice of the Supreme Court. You can say that a judge of a district court can be assigned to duty to a circuit court or to the circuit court of appeals, because that in no manner militates against the proper discharge of his duty as a district judge; but you can not say that you will utterly destroy the court in which he is a judge and create another court, and transfer him to it. If there is another court created, and he is to be transferred to it, his nomination must be sent to the Senate and must be confirmed by the Senate, and his appointment must be in pursuance of such nomination and such confirmation.

But, Mr. President, I had no idea when I introduced my little resolution that a matter which is so extremely plain to the Senator from Idaho, which lies so directly upon the surface, should have led to this extended debate. I think the Senator perhaps by this time has come to the conclusion that it may hereafter exercise the proper consideration and thought not only of the Judiciary Committee, but of the committee which he said had heretofore so summarily and easily disposed of what appears to be quite a complicated and difficult question.

Mr. HEYBURN. Mr. President, I would say to the Senator from Georgia that the Senator from Idaho has not changed his opinion in regard to this matter. I think every point that has been discussed was thoroughly gone over in the committee, which consisted of Members of both Houses, and I have not seen any new light on the question.

Mr. SUTHERLAND. Mr. President, so far as I am concerned I have no objection to the reference of this question to the Judiciary Committee. I am a member of that committee and also of the committee which prepared the judicial code; but it does seem to me that the Senator from Georgia is borrowing unnecessary trouble about this question. Section 607 of the Revised Statutes of the United States provides that—

For each circuit there shall be appointed a circuit judge—

I may stop there long enough to say that the name given to the circuit judge is wholly immaterial. As I have suggested to the Senator from Georgia, that judge might as well have been called a superior judge. Suppose that the statute had read "For each circuit there shall be appointed a superior judge," or simply "a judge," as the Senator from Minnesota [Mr. NELSON] suggests to me. Then the statute proceeds, in section 608, and says:

Circuit courts are established as follows.

Again the name was a mere accident. They might have been called by some other name; they might have been called superior courts instead of circuit courts. But the section reads:

Sec. 608. Circuit courts are established as follows: One for the three districts of Alabama, one for the eastern district of Arkansas, one for the southern district of Mississippi, and one for each district in the States not herein named; and shall be called the circuit courts for the districts for which they are established.

Then, section 609 provides:

Circuit courts—

Again, bearing in mind that the name is wholly immaterial, that we may substitute "superior courts" for "circuit courts"—

Circuit courts shall be held by the circuit justice—

That is, by a Justice of the Supreme Court—

or by the circuit judge of the circuit, or by the district judge of the district sitting alone, or by any two of the said judges sitting together.

So that the circuit court and the circuit judge are in no sense bound together. The circuit court may be presided over without there ever being a circuit judge present at all; and, as a matter of fact, that is the case to-day in some districts. It is very rare indeed in the western part of the United States for a circuit judge to preside over the circuit court. It is held by the district judge.

When we come to abolish the circuit courts, we have done nothing more than take from the circuit judge a portion of the duties which the circuit judge has been assigned under the law to perform, just as we have taken from the district judge a portion of his duties, and just as we have taken from the Supreme Court Justice a portion of his duties; but the abolition of the court does not in any manner affect the different officials who are directed by the law to hold the court.

The provision of the Constitution is that not only the Judges of the Supreme Court, who are created by the Constitution, but that the judges who are provided for by act of Congress "shall hold their offices during good behavior." Certainly, Congress has no power to abolish an office that the Constitution itself declares shall exist during the good behavior of the incumbent.

In addition to that and in addition to the section which the Senator from Idaho quoted, section 116, in order that it may go into the Record, I call attention to another section to which the Senator from Idaho did not direct attention. Section 283 of the judicial code provides:

Sec. 283. That the repeal of existing laws providing for the appointment of judges and other officers mentioned in this act shall not be construed to affect the tenure of office of the incumbents except the office be abolished.

In other words, the tenure of those now holding these courts shall not in any manner be affected by the repeal of the laws, unless the office itself shall be abolished. Of course the office of circuit judge is not abolished. That applies to the office of some of the clerks that have been abolished, so that the continued existence and tenure of these judges is amply safeguarded by the provision of the law to which the Senator from Idaho called attention as well as by section 283 of the proposed new code.

The VICE PRESIDENT. Without objection, the resolution submitted by the Senator from Georgia [Mr. Bacon] will be referred to the Committee on the Judiciary.

THOMAS N. BOYLE.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (S. 7650) for the relief of Thomas N. Boyle.

Mr. FLETCHER. Mr. President, I dislike to object to that request, but I have been endeavoring to secure unanimous consent for the consideration of some purely local bills, and I have been unable to do so. It seems to me that in all fairness we ought to take up the calendar and proceed in the regular way; otherwise it does not seem that we shall ever reach the bills upon which I have been endeavoring to secure action.

The VICE PRESIDENT. Does the Senator object or demand the regular order? The Senator said he disliked to object.

Mr. FLETCHER. I will not object, if I am treated in the same way.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in line 7, after the word "as," to strike out "captain" and insert "a private," and in line 9, after the word "the," to strike out "18th day of July" and insert "4th day of September," so as to make the bill read:

Be it enacted, etc., That Thomas N. Boyle shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company C, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, from the 4th day of September, 1862, to the 23d day of October, 1862, when he was mustered in as captain of Company H, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and had been honorably discharged on the 28th day of October, 1862.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. Mr. President, I ask unanimous consent that we now take up and consider the pension bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. McCUMBER. I ask first for the consideration of the bill (H. R. 30886) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 6, to strike out:

The name of Alfred B. Ebner, late of Company A, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 2, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of William O. Lee, alias Oscar Dickinson, late of Company M, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 7, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Roger Burns, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 1, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Hugh L. W. Bearden, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Eli Bryson, late of Company I, Thirty-fourth Regiment Indiana Volunteer Infantry, and Company F, Fifth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, line 21, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Thomas P. Treadwell, late of Company C, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 57, line 1, after the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Ferdinand Peters, late of Company D, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 68, line 5, after the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Alonzo Maddocks, late of Company E, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 69, after line 4, to strike out:

The name of David Bracken, late of Company B, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 30135) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 6, to strike out lines 17, 18, 19, and 20, in the following words:

The name of Presley J. Barrick, late of Company I, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 11, after the word "dollars," to strike out "thirty" and insert "thirty-six," so as to make the clause read:

The name of Thomas W. McClellan, late of Union Light Guard, Ohio Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 7, to strike out:

The name of Joseph Connery, late of Company I, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 3, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Myron Taylor, late unassigned, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 24, before the name "Riley," to strike out "John" and insert "James," so as to read "James Riley."

The amendment was agreed to.

The next amendment was, on page 20, line 20, before the word "dollars," to strike out "thirty-six" and insert "fifty," so as to make the clause read:

The name of Edwin L. Hayes, late lieutenant colonel, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 10, before the word "dollars," to strike out "thirty" and insert "thirty-six," so as to make the clause read:

The name of Richard T. Booth, late of Company I, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 2, before the word "dollars," to strike out "thirty" and insert "forty," so as to make the clause read:

The name of Henry Ferris, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 31161) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 7, line 23, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Modecal Tyler, late of Company E, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 20, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Robert A. Cony, late of Company E, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 1, before the word "dollars," to strike out "fifty" and insert "thirty," so as to make the clause read:

The name of Maria Raum, widow of Green B. Raum, late colonel Fifty-sixth Regiment Illinois Volunteer Infantry, and brigadier general, United States Volunteers, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 31172) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors

was considered by the Senate as in Committee of the Whole. It proposes to pension at the rates stated the following persons:

Jacob Souder, late of Company K, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, \$30.

Richard H. Bartlett, late of Company G, First Regiment Illinois Volunteer Cavalry, \$30.

William A. McGinety, late captain Company E, Seventh Regiment Kentucky Volunteer Cavalry, \$36.

Jeremiah F. Blanchard, late acting ensign, United States Navy, \$30.

Hugh Haggerty, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, \$30.

John Drown, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company A, Ninth Regiment Veteran Reserve Corps, \$24.

James C. Brown, late of Company C, Sixty-ninth Regiment Ohio Volunteer Infantry, \$30.

Mary A. Hartshorn, widow of Dana W. Hartshorn, late surgeon, United States Volunteers, \$25.

John Blevins, late of Company D, Forty-ninth Regiment Kentucky Volunteer Mounted Infantry, \$40.

George B. Black, late of Company H, Sixty-sixth Regiment Ohio Volunteer Infantry, \$24.

William Arey, late of U. S. S. *Ohio*, *Minnesota*, and *Alert*, United States Navy, \$24.

Harry G. Morton, late of Company E, First Regiment Maine Volunteer Heavy Artillery, \$24.

Hannah Lee, widow of Joseph A. Lee, late of Twenty-fourth Independent Battery, Ohio Volunteer Light Artillery, \$20.

Eli Avery, late of Company B, Seventh Regiment Iowa Volunteer Cavalry, \$30.

Elmer Strickland, late of Company B, Sixth Regiment Kansas Volunteer Cavalry, \$30.

John Blue, late of Company I, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, \$24.

Oscar H. Ford, late of Company H, Thirty-sixth Regiment Illinois Volunteer Infantry, \$30.

Lemuel Dougherty, late of Company F, Forty-seventh Regiment Indiana Volunteer Infantry, \$24.

Asa N. Callahan, late of Company B, Sixth Regiment Iowa Volunteer Infantry, \$24.

James A. Dunlap, late of Company B, First Regiment, and Company L, Third Regiment, Wisconsin Volunteer Cavalry, \$30.

Frederick R. Miller, late lieutenant colonel One hundred and forty-fourth Regiment Ohio National Guard Infantry, \$30.

Samuel Blush, late of Company C, Fifty-second Regiment Pennsylvania Volunteer Infantry, \$30.

Joseph Lewis, late of Second Battery Iowa Volunteer Light Artillery, \$24.

Horatio N. Jenks, late of Company F, First Regiment Michigan Volunteer Cavalry, \$30.

Josiah Ackerman, late of Company B, Fifty-first Regiment Pennsylvania Volunteer Infantry, \$24.

Albert Miller, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, \$30.

George W. McMullen, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, \$30.

Elijah Knapp, late of Company I, Second Regiment Maine Volunteer Cavalry, \$30.

Adoniram Judson Morgan, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and Company I, Sixth Regiment Michigan Volunteer Heavy Artillery, \$30.

William V. Hopkins, late of Company K, Seventy-sixth Regiment New York Volunteer Infantry, \$30.

Reuben Hurley, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, \$24.

George F. Johnson, late of Company A, First Regiment Minnesota Volunteer Infantry, \$24.

William H. White, late of Company E, One hundred and fourteenth Regiment New York Volunteer Infantry, \$24.

Jairus D. Backus, late of Company D, One hundred and twenty-third Regiment New York Volunteer Infantry, \$30.

Thomas Cooney, late of Company C, Second Regiment Minnesota Volunteer Cavalry, \$24.

Thaddeus Parr, late of Company G, Twentieth Regiment Wisconsin Volunteer Infantry, \$30.

John Kinsey, late of Company D, One hundred and forty-seventh Regiment Ohio National Guard Infantry, \$24.

Mathew Harris, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, \$24.

Eber. W. Fosbury, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, \$24.

John J. Robinson, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and unassigned, Veteran Reserve Corps, \$30.

Robert Masters, late first lieutenant Company G and captain Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, \$30.

Henry W. Bradley, late of Company M, Fourth Regiment Michigan Volunteer Cavalry, \$30.

George W. Robinson, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and Company A, Third Regiment Veteran Reserve Corps, \$24.

Michael Boston, late of Company E, Seventy-seventh Regiment Ohio Volunteer Infantry, \$30.

David Earhart, late of Company D, Second Regiment Colorado Volunteer Cavalry, and Company M, First Regiment Colorado Volunteer Cavalry, \$30.

Chancy W. Rickerd, late of Company I, Second Regiment Missouri Volunteer Cavalry, \$30.

Joseph A. Durham, alias Joseph Anson, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, \$24.

William Baird, late of Company I, Second Regiment Massachusetts Volunteer Infantry, \$24.

Samuel M. Bragg, late of Company A, First Regiment Maine Volunteer Cavalry, and Company K, First Regiment District of Columbia Volunteer Cavalry, \$30.

Joel P. Colvin, late of Company C, Tenth Regiment Michigan Volunteer Infantry, \$24.

Frank B. Carey, helpless and dependent son of Daniel J. Carey, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, \$12.

Thomas C. Boggess, late of Company I, Third Regiment West Virginia Volunteer Cavalry, \$30.

Mary E. Havens, widow of Joseph H. Havens, late paymaster's clerk, United States Navy, \$20.

James M. Owen, late of Company G, Second Regiment Ohio Volunteer Infantry, \$30.

Hiram Hoover, late of Company A, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, \$30.

William Murlin, late of Company H, Fifth Regiment Michigan Volunteer Infantry, \$24.

Henry H. Parmenter, late of Company H, Sixteenth Regiment Massachusetts Volunteer Infantry, \$40.

Dorion Neel, late second lieutenant Company I, Ninety-third Regiment Indiana Volunteer Infantry, \$30.

Lemuel Cohee, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, \$30.

Abraham G. Hendryx, late of Company A, First Regiment Illinois Volunteer Cavalry, and Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, \$24.

Christopher C. Jones, late of Company I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Volunteer Cavalry, \$24.

John Wood, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, \$24.

Ellen Hungerford, former widow of John T. Consaul, late second lieutenant Company B, First Regiment Wisconsin Volunteer Cavalry, \$12.

John F. Grayum, late first lieutenant Company E, Seventh Regiment West Virginia Volunteer Cavalry, \$30.

Corydon G. Ireland, late of Company E, Second Regiment California Volunteer Cavalry, \$24.

Myron Heffron, late of Company B, First Regiment Michigan Engineers and Mechanics, \$30.

Julius Blessin, late of Company A, Twenty-third Regiment Indiana Volunteer Infantry, \$36.

John Freeman, late of Patterson's independent company, Kentucky Volunteer Engineers and Mechanics, \$30.

Mary C. At Lee, widow of Goodwin Y. At Lee, late of Company A, Third Battalion District of Columbia Militia Infantry, \$12.

Henry R. Playford, late of Company G, Ninety-second Regiment, and Company I, Sixty-fifth Regiment, Illinois Volunteer Infantry, \$24.

Franklin D. Morton, late of Company D, Eleventh Regiment New York Volunteer Cavalry, \$24.

Calvin L. Johnson, late of Company K, One hundred and forty-third Regiment Ohio National Guard Infantry, \$24.

George W. Anderson, late captain and assistant quartermaster, United States Volunteers, \$30.

Samuel P. Travis, late of Company H, Ninety-ninth Regiment Illinois Volunteer Infantry, \$24.

Thomas Goodwin, late of Company C, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, \$24.

Hugh Price Wilson, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, \$24.

Susan Reppeto, widow of John G. Reppeto, late of Company G, Eighty-third Regiment Ohio Volunteer Infantry, \$20.

John H. Reid, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, \$24.

William R. Grumley, late of Company G, Fourteenth Regiment Connecticut Volunteer Infantry, and Company D, Twenty-fourth Regiment Veteran Reserve Corps, \$30.

Albert Hitchcock, late of Company H, Forty-ninth Regiment Massachusetts Militia Infantry, \$24.

Albert S. Granger, late first lieutenant Company G, Eighteenth Regiment Connecticut Volunteer Infantry, \$30.

Harrison C. Boyster, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, \$30.

William Lehan, late of Company L, Thirty-second Regiment Massachusetts Volunteer Infantry, and Company A, First Battalion, Fifteenth Regiment United States Infantry, \$30.

Charles Roth, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, \$24.

Richard L. Sturges, late of Company F, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, \$24.

James A. Morgan, late of Company K, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, \$24.

George M. Roberts, late of Company A, Nineteenth Regiment Ohio Volunteer Infantry, \$24.

David J. Bowman, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, \$30.

Edwin W. Haynes, late of Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, \$30.

Mary A. Charles, widow of Francis M. Charles, late of Company H, Eighteenth Regiment Indiana Volunteer Infantry, \$30.

Harrison F. Roberts, late of Battery K, Fourth Regiment United States Artillery, \$30.

Erastus Smith, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, \$30.

Daniel Fisher, late of Company C, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, \$30.

William George Stark, late of Company B, Second Regiment Iowa Volunteer Infantry, \$24.

Warren P. Dwinells, late of Company H, Seventh Regiment New Hampshire Volunteer Infantry, \$24.

Orrin C. Leonard, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, \$24.

Albert Koch, late of Company F, Ninth Regiment Wisconsin Volunteer Infantry, \$30.

Samuel Moles, late of Company D, Forty-seventh Regiment Illinois Volunteer Infantry, \$24.

James M. C. Jackson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, \$30.

Robert Clark, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, \$40.

Charles A. Rowell, late of Company I, Seventh Regiment New Hampshire Volunteer Infantry, \$24.

John C. Neel, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, \$24.

Joseph Shannon, late of U. S. S. *Macedonia*, *Katahdin*, and *North Carolina*, United States Navy, and Company F, Fourth Regiment New Hampshire Volunteer Infantry, \$24.

John Chandler, late of Company F, Second Regiment New Hampshire Volunteer Infantry, \$50.

John C. Ward, late of Company H, First Regiment Massachusetts Volunteer Cavalry, \$24.

Daniel Jordan, late of Company H, Fifth Regiment Iowa Volunteer Cavalry, \$24.

Milton Pendergast, late of Company B, Sixty-eighth Regiment Indiana Volunteer Infantry, \$30.

John Gorden, late of Company I, First Regiment Kentucky Volunteer Cavalry, \$30.

Victoria M. Steele, widow of Samuel Steele, late chaplain Seventh Regiment West Virginia Volunteer Infantry, \$30.

Charles M. Renshaw, late second lieutenant Company H, Twenty-third Regiment United States Colored Volunteer Infantry, \$30.

Silas Fish, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, \$24.

Valentine Lungwitz, late of Company C, Fourteenth Regiment Connecticut Volunteer Infantry, \$30.

Catherine M. Walker, widow of John D. Walker, late captain Company E, Eleventh Regiment Kansas Volunteer Cavalry, \$20.

Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Infantry, \$30.

James Rude, late of Company H, Twenty-second Regiment Indiana Volunteer Infantry, \$30.

Michael Farrington, late of Company K, Eighth Regiment New Hampshire Volunteer Infantry, \$36.

James Haggerty, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, \$30.

George W. Phelps, late of Company E, Second Regiment New Hampshire Volunteer Infantry, \$30.

Robert Tarbet, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, \$24.

Jasper N. Kinman, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, \$24.

Henry Wentworth, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, \$30.

William Noyes, late of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, \$24.

Warren F. Reynolds, late of Fourteenth Independent Battery Ohio Volunteer Light Artillery, \$24.

Orin Kimball, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, \$30.

William C. Hoffman, late of Company F, Seventy-fourth Regiment Ohio Volunteer Infantry, \$24.

Joseph C. Kitchen, late captain and assistant quartermaster, United States Volunteers, \$30.

Isaac M. Couch, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, \$40.

James Lindsey, late of Company H, Fourth Regiment Ohio Volunteer Cavalry, \$24.

Jacob Pinkett, late of Company C, Thirtieth Regiment United States Colored Volunteer Infantry, and landsman, U. S. S. *Wabash*, *St. Lawrence*, and *Ben Morgan*, United States Navy, \$30.

James B. West, late of Company H, First Regiment Delaware Volunteer Infantry, and Company B, First Regiment Delaware Volunteer Cavalry, \$24.

John S. Smith, late of Company I, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$30.

Adelaide A. West, former widow of Lorenzo M. Atwood, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and widow of Robert C. West, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, \$12.

Aaron Welty, late of Company H, Thirty-fourth Regiment Indiana Volunteer Infantry, \$30.

Sarah M. Peterson, widow of Charles G. A. Peterson, late first lieutenant Company D, First Regiment Rhode Island Volunteer Cavalry, \$17.

William M. Wall, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, \$24.

Frank E. Martell, late of Company H, Sixth Regiment Vermont Volunteer Infantry, \$30.

Bethana Aseltine, widow of Alanson M. Aseltine, late of Company F, Tenth Regiment Vermont Volunteer Infantry, \$12.

Lucie W. Carter, widow of Mason Carter, late captain, Fifth Regiment United States Infantry, and major, United States Army, retired, \$25.

Charles M. Merritt, late of First Battery, Wisconsin Volunteer Light Artillery, \$30.

George W. Carpenter, late captain Company I, and major, One hundred and sixteenth Regiment New York Volunteer Infantry, \$40.

William P. D. Foss, late of Company C, First Battalion, Eleventh Regiment United States Infantry, \$24.

Richard M. J. Coleman, late of Company K, One hundred and thirteenth Regiment Ohio Volunteer Infantry, \$24.

Emma J. Blake, widow of William H. Blake, late of Company F, Twelfth Regiment New Hampshire Volunteer Infantry, and Company D, First Regiment Veteran Reserve Corps, \$12.

Andrew G. Scott, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, \$24.

Alphonso H. Mitchell, late of Company B, Twentieth Regiment Maine Volunteer Infantry, \$24.

Fannie S. Haskell, widow of Joseph L. Haskell, late of Companies K and C, Fourteenth Regiment Maine Volunteer Infantry, \$20.

George W. Shaw, late of Company G, Eightieth Regiment Illinois Volunteer Infantry, \$30.

John B. Dean, late of Company A, First Battalion Maine Volunteer Infantry, \$24.

John C. Whittaker, late of Company M, Eighteenth Regiment Pennsylvania Volunteer Cavalry, \$24.

Harriet W. Wilkinson, widow of Charles Wilkinson, late second lieutenant Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, \$25.

Alonzo J. Mosher, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, \$24.

Thomas H. Whitman, late of Company E, Ninth Regiment Vermont Volunteer Infantry, \$36.

James Jenkins, late of Company K, Forty-third Regiment Wisconsin Volunteer Infantry, \$24.

Timothy Egan, late second lieutenant Company F, Thirty-fifth Regiment New York Volunteer Infantry, \$40.

Uriah Renner, late of Company E, Eighty-seventh Regiment Ohio Volunteer Infantry, \$24.

Mahala Fausey, widow of William H. Fausey, late of Company D, Third Regiment Ohio Volunteer Cavalry, \$20.

Mary V. Webster, widow of George O. Webster, late major, Fourth Regiment United States Infantry, \$35.

Alonzo Hoding, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, \$24.

William H. Rickstrew, late of Company D, Sixtieth Regiment Indiana Volunteer Infantry, \$30.

Alice L. Walker, widow of John Walker, late of Company B, Twenty-sixth Regiment New York Volunteer Cavalry, \$12.

Nathan Baker, late of Company A, Twenty-eighth Regiment Michigan Volunteer Infantry, \$30.

Elizabeth A. Marr, widow of James B. Marr, late of Company F, Second Regiment Maine Volunteer Cavalry, \$24, provided that in the event of death of Arthur R. Marr, helpless and dependent child of said James B. Marr, the additional pension herein granted shall cease and determine, and provided further that in the event of the death of Elizabeth A. Marr the name of the said Arthur R. Marr shall be placed on the pension roll at \$12 per month from and after the date of death of said Elizabeth A. Marr.

John Conroy, late of U. S. S. *North Carolina*, *Otsego*, and *Wyandus*, United States Navy, \$30.

Thomas B. Pulsifer, late of Company D, First Regiment Maine Volunteer Cavalry, \$50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST OFFICE APPROPRIATION BILL.

Mr. PENROSE. I am directed by the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, to report it with amendments. I desire to announce to the Senate that at some convenient time next week I shall ask the Senate to proceed to the consideration of the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

CERTAIN LANDS IN FLORIDA.

Mr. FLETCHER. I ask unanimous consent to call up several local bills. The first is the bill (S. 9268) releasing the claim of the United States Government to that portion of land being a fractional block bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I now ask unanimous consent to call up the bill (S. 8736) providing for the releasing of the claim of the United States Government to Arpent lot No. 44, in the old city of Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I also ask unanimous consent for the present consideration of the bill (S. 8358) providing for the releasing of the claim of the United States Government to Arpent lot No. 87, in the old city of Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I ask unanimous consent further to call up the bill (S. 9269) releasing the claims of the United States Government to lot No. 306, in the old city of Pensacola.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSULAR SERVICE OF THE UNITED STATES.

Mr. LODGE. I ask unanimous consent to call up the bill (S. 10171) to amend an act entitled "An act to provide for the reorganization of the Consular Service of the United States."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

The first amendment of the Committee on Foreign Relations was, on page 1, lines 10 and 11, to strike out "Johannesburg, Ottawa;" on page 2, line 2, before the words "Mexico City," to insert "Johannesburg," and in the same line, before "Vienna," to insert "Ottawa;" in line 9, before the word "Munich," to strike out "Monterey;" and in line 12, before "Stockholm," to insert "Monterey," so as to read:

Consuls general. Class 1, \$12,000: London, Paris.
Class 2, \$8,000: Berlin, Buenos Aires, Calcutta, Habana, Hamburg, Hongkong, Rio de Janeiro, Shanghai, Yokohama.

Class 3, \$6,000: Constantinople, Johannesburg, Mexico City, Montreal, Ottawa, Vienna.

Class 5, \$4,500: Auckland, Beirut, Boma, Callao, Coburg, Dresden, Genoa, Guayaquil, Halifax, Hankow, Munich, Sofia, Smyrna, Vancouver, Winnipeg, Zurich.

Class 6, \$3,500: Adis Ababa, Lisbon, Mazatlan, Monterey, Stockholm, Tangier.

The amendment was agreed to.

The next amendment was, on page 2, line 21, to strike out "Melbourne;" on page 2, line 24, strike out "Prague;" on page 3, line 3, after "Leipzig," to insert "Melbourne;" in line 5, after "Plauen," to insert "Prague;" on page 3, line 8, to strike out "Bagdad;" in line 13, to strike out "Zacapa;" in line 15, to insert "Bagdad;" in line 17, to insert "Gibraltar;" on page 4, line 4, to strike out "Gibraltar;" and in line 13, to insert "Zacapa," so as to read:

Consuls—Class 3, \$5,000: Amsterdam, Bremen, Belfast, Dawson, Glasgow, Havre, Kobe, Lourenco Marquez, Lyon.

Class 4, \$4,500: Amoy, Birmingham, Chetov, Cienfuegos, Foochow, Kingston (Jamaica), Newchwang, Nottingham, St. Gall, Santiago (Cuba), Southampton, Veracruz.

Class 5, \$4,000: Bahla, Batavia, Bombay, Bordeaux, Colombo, Colon, Dublin, Dundee, Durban, Dusseldorf, Edinburgh, Harbin, Leipzig, Melbourne, Milan, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Prague, Reichenberg, Sao Paulo, Stuttgart, Tamsui, Toronto, Tientsin, Victoria, Warsaw.

Class 6, \$3,500: Alexandria, Barranquilla, Basel, Berne, Bluefields, Bradford, Buena Ventura, Chennitz, Chungking, Cologne, Cork, Fiume, Geneva, Georgetown, Guadalajara, Mannheim, Maracaibo, Montevideo, Nagasaki, Odessa, Omsk, Palermo, Quebec, Rangoon, Rheims, Rimouski, Rome, St. Petersburg, Saloniki, Sherbrooke, Talen, Vladivostok.

Class 7, \$3,000: Aden, Aix la Chapelle, Aleppo, Bagdad, Barbados, Belgrade, Calais, Calgary, Cardiff, Carlsbad, Corinto, Florence, Frontera, Ghent, Gibraltar, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquique, Jerusalem, Karachi, Kehl, La Gualra, Leghorn, Liege, Madras, Malaga, Messina, Mombasa, Nantes, Nassau, Newcastle (England), Newcastle (New South Wales), Oaxaca, Plymouth, Port Antonio, Port au Prince, Port Limon, Progreso, Punta Arenas, Riga, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), Seville, Sheffield, Stoke-on-Trent, Swansea, Sydney (Nova Scotia), Turin, Tabriz, Tampico, Trieste, Trinidad.

Class 8, \$2,500: Acapulco, Algiers, Amapala, Antung, Batum, Belize, Bergen, Breslau, Brunswick, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Cognac, Curacao, Erfurt, Gothenburg, Guanajuato, Guaymas, Hamilton (Bermuda), Hull, Kingston (Ontario), Leeds, Lemberg, Limoges, Madrid, Magdeburg, Malta, Martinique, Matamoros, Mersine, Nice, Nogales, Nueva Laredo, Orilla, Owen Sound, Prescott, Puerto Cortes, Rosario, Roubaix, St. Johns (Newfoundland), St. Etienne, San Luis Potosi, Sarnia, Sault Ste. Marie, Swatow, Tamatave, Tenerife, Torreón, Trebizond, Tripoli (North Africa), Tsinanfu, Valencia, Windsor (Ontario), Yarmouth, Zacapa.

The amendments were agreed to.

Mr. LODGE. On page 7, line 6, I move to strike out "three hundred and eight" and insert "two hundred and nine." It is a wrong reference to the statute.

The amendment was agreed to.

The next amendment of the Committee on Foreign Relations was, on page 7, after line 14, to strike out:

Section 10 of the act of April 5, 1906 (34 Stats., 102), is hereby amended to read as follows:

"Sec. 10. That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and the par value of all such stamps so delivered to him by the Department of State shall be charged to him.

"Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document, as prescribed in the consular regulations, and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

"Within 20 days after the end of each quarter every consular officer shall render to the Department of State a stamp account, in which he shall charge himself with the balance of uncanceled stamps on hand at the beginning of the quarter and with all stamps received by him from the Department of State during the quarter and shall credit himself with all stamps affixed to official or notarial documents during the quarter and canceled by him; and said account shall be forwarded by the Department of State to the Auditor for the State and Other Departments for audit under the provisions of section 12 of the act of July 31, 1894 (28 Stats., 209). And that the Department of State shall make to the Auditor for the State and Other Departments a quarterly report of all such stamps received by said department and supplied to consular officers."

Section 1728, Revised Statutes of the United States, is hereby amended to read as follows:

"Sec. 1728. Every consular officer, in rendering his account, shall furnish, in such form as the President may prescribe, a complete and accurate statement of the total amount of fees collected by him, as shown by the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true and contains a full and accurate statement of all fees received by him, or for his use, for his official and unofficial services as such consular officer during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury in any such oath, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense."

Sections 1726, 1727, 1729, and 4213, Revised Statutes of the United States, are hereby repealed.

And insert:

That section 10 of an act entitled "An act to provide for the reorganization of the Consular Service of the United States," approved April 5, 1906, be, and is hereby, amended and reenacted so as to read as follows:

"Sec. 10. That every consular officer shall be provided with official stamps on which shall be printed the equivalent money value of denominations, and to amounts to be determined by the Department of State, and shall account for the face value of such stamps furnished to him. Whenever a consular officer is required, or finds it necessary, to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document, as prescribed in the consular regulations, to which there shall be affixed and duly canceled a stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

"It shall be the duty of every consular officer to render a quarterly account of all his receipts and disbursements, which shall include his stamp account, as required by the provisions of this act.

"The said account shall be sent to the proper officer at Washington for administrative examination, and by him forwarded to the Auditor for the State and Other Departments for settlement under the provisions of the act of July 31, 1894, except that consular agents shall render their accounts under regulations prescribed by the President of the United States under the provision of section 1752 of the Revised Statutes of the United States; and the Secretary of State shall cause to be rendered to the Auditor for the State and Other Departments a quarterly account of all consular stamps received by him and supplied to consular officers, or otherwise disposed of: *Provided*, That the Secretary of State may allow to any consular officer to whom stamps have been delivered credit for the face value of all stamps returned unused, defaced, or otherwise rendered useless without negligence on the part of the consular officer, and the Auditor for the State and Other Departments shall charge every consular officer in the settlement of his account with the face value of stamps received by him and for which he shall fail to account."

That section 1728 of the Revised Statutes of the United States be, and is hereby, amended and reenacted so as to read as follows:

"Sec. 1728. Every consular officer, in rendering his account of fees received, shall furnish a complete and accurate summary of every class and character of fees collected by him, as shown by the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true and contains a full and accurate statement of all the fees received by him, or for his use for his official and notarial services as such consular officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury in any such oath, within the intent and meaning of any act of Congress, now or hereafter made, he shall be deemed guilty of perjury, and he may be charged, proceeded against, tried and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense."

That section 4213 of the Revised Statutes of the United States, as amended by the act of June 26, 1884, chapter 121, section 13, be, and is hereby, amended and reenacted so as to read as follows:

"Sec. 4213. It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement he shall be liable to a fine of not exceeding \$50, unless such master shall state, under oath, that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF WATER ON RECLAMATION PROJECTS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes.

Mr. CARTER. I move that the Senate disagree to the amendments of the House of Representatives, that a conference be

asked on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed as the conferees on the part of the Senate Mr. WARREN, Mr. JONES, and Mr. BAILEY.

HOT SPRINGS (ARK.) LODGE.

Mr. CLARKE of Arkansas. I ask unanimous consent to call up the bill (H. R. 23361) authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE D. BENNETT.

Mr. WARREN. There are three very short bills of the House of Representatives, all to correct military records, which I should like to call up, the first being the bill (H. R. 21882) for the relief of Horace D. Bennett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Horace D. Bennett, who was a first lieutenant of Company D, One hundred and fifth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DOHERTY.

Mr. WARREN. I now wish to call up the bill (H. R. 21646) for the relief of William Doherty.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, William Doherty, now a resident of New Jersey, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Fourteenth Regiment New York State Militia, on July 24, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. DRUMMON.

Mr. WARREN. I also ask unanimous consent to have considered the bill (H. R. 13936) for the relief of William P. Drummon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that William P. Drummon shall hereafter be held and considered to have been mustered into the service of the United States as a private of Company H, Seventeenth Regiment New York State Militia Volunteer Infantry, on the 8th day of July, 1863, and to have remained continuously in the service until honorably discharged.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT S. HENDERER.

Mr. CRAWFORD. There are a couple of very deserving claims under the employers' liability act giving one year's compensation, which have been unanimously reported, and I should like to have them considered. The first is the bill (S. 974) for the relief of Albert S. Henderer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert S. Henderer the sum of \$973.44, the amount of his pay for one year, for damages arising out of an injury sustained by him while employed in the east gun shop, United States navy yard, Washington, D. C., on the 11th day of August, 1903; and the said sum of \$973.44 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BELLEVADORAH STEELE.

Mr. CRAWFORD. I also ask unanimous consent for the present consideration of the bill (S. 7638) for the relief of Bellevadorah Steele.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment in line 7, before the word "dollars," to strike out "ten thousand" and insert "one thousand two hundred and forty-eight," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bellevadorah Steele, out of any money in the Treasury not otherwise appropriated, the sum of \$1,248, in full compensation for injuries received by Horatio N. Steele, husband of the said Bellevadorah Steele, while performing his duties as a master mechanic in the gun-carriage shop of the navy yard at Washington, D. C.

The amendment was agreed to.

Mr. HEYBURN. While I realize that it is a mere matter of form, perhaps, yet the Secretary of the Treasury can not draw a check against any fund in the United States unless the Congress authorizes him to do it. I notice that these bills are going through in that way. If it is a custom, it is in violation of the law, and it is a bad custom. The Secretary of the Treasury has nothing whatever to do with the paying of money out of the Treasury. We make an appropriation, reading, "There is hereby appropriated out of any money in the Treasury not otherwise appropriated," and the Treasurer pays it. The Secretary of the Treasury never comes in contact with it at all.

Mr. KEAN. I think if the Senator from Idaho will look at what has been the practice, he will find that it has been customary to direct either the Secretary of the Interior to do a thing, or the Secretary of the Navy—

Mr. HEYBURN. Not to pay money.

Mr. KEAN. Or the Secretary of War to do a certain thing, because it has to be passed through some one of the departments; and as this is for the payment of money the bill directs the Secretary of the Treasury to perform those necessary duties for which we appropriate the money.

Mr. HEYBURN. But the Constitution says that no money shall be paid out of the Treasury except by direct appropriation by Congress.

Mr. KEAN. That is right.

Mr. HEYBURN. You can not reconcile it at all. I merely call attention to it, not that I intend to object, because it will have to take its own chances.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHUCAWALLA DEVELOPMENT CO.

Mr. PERKINS. I ask unanimous consent to call up the bill (H. R. 31859) to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE MARTIN.

Mr. SHIVELY. I ask unanimous consent for the consideration of the bill (H. R. 19505) for the relief of Eugene Martin.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Eugene Martin, now a resident of Indiana, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Tenth Regiment Kentucky Volunteer Infantry, on the 22d day of February, 1863. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. EVAN M. JOHNSON.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay Evan M. Johnson, United States Army, \$1,584, to be payment in full for all losses of personal

property incurred by him by reason of the sinking of the United States transport *Meade* in the harbor of Ponce, P. R., on or about March 24, 1902. But the accounting officer of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. C. YOUNG.

Mr. BRISTOW. I should like to call up two bills that involve small amounts. I ask unanimous consent that the Senate may consider the bill (H. R. 18342) for the relief of E. C. Young.

Mr. DEPEW. I ask the Senator from Kansas if the bill will call for any debate.

Mr. BRISTOW. I think not, as will be seen after the bill is read.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to E. C. Young, of Hot Springs, Ark., \$449.30, being the amount paid by him to the United States as surety on the bail bond of one John Parker, who forfeited his bail bond in a cause wherein the United States was plaintiff and John Parker was defendant, being No. 1758 on the docket of the district court of the United States in and for the western division of the eastern district of Arkansas.

Mr. CLARK of Wyoming. I should like to have some reason given for releasing Mr. Young from this bond.

Mr. BRISTOW. He was on the bond of a man who was arrested for forging a money order. The man escaped and ran away. This man went and caught him at his own expense and brought him back, and he made good the forfeiture and paid in the money. He went down in Alabama and got the man and brought him back, when he was tried and convicted. The bill proposes to pay back the money he paid on the forfeited bond.

Mr. CLARK of Wyoming. That is quite satisfactory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA A. WAGNER.

Mr. BRISTOW. I now ask the Senate to consider the bill (H. R. 18857) for the relief of Laura A. Wagner.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Laura A. Wagner \$1,186.25, in payment of all claim or damage arising from an injury to and the death of her father, John A. Wagner, which was caused by a bullet fired by Government employees at the United States arsenal at Bridesburg.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT AURORA, MO.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 2207) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 4, after the word "to," to strike out "acquire, by purchase, condemnation, or otherwise, a site and;" in line 5, after the word "erected," to strike out "thereon" and insert "upon the site already selected and purchased by him in the city of Aurora, Mo.;" in line 10, after the word "Missouri," to strike out "the cost of said site and" and insert "which said;" and on page 2, line 3, before the word "thousand," to strike out "seventy-five" and insert "sixty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Aurora, Mo., a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of governmental offices in the city of Aurora, in the State of Missouri, which said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$65,000.

The amendment was agreed to.

The next amendment was, on page 2, to strike out all of the bill after line 4, in the following words:

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of largest circulation of said city for at least 20 days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said pro-

posed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendations thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill to provide for the erection of a public building at Aurora, in the State of Missouri."

SOLDIERS AND SAILORS AT PUBLIC AMUSEMENTS.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (H. R. 23015) to protect the dignity and honor of the uniform of the United States.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "exceeding," to strike out "\$1,000, or by imprisonment not exceeding two years, or by both," and insert "\$500," so as to make the bill read:

Be it enacted, etc., That hereafter no proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, the District of Alaska or insular possession of the United States, shall make, or cause to be made, any discrimination against any person rightfully and lawfully wearing the uniform of the Army, Navy, or Marine Corps of the United States because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding \$500.

The amendment was agreed to.

Mr. BRANDEGEE. I offer an amendment at the suggestion of the Senator from Minnesota [Mr. NELSON], a member of the Judiciary Committee, from which committee the bill comes with a unanimous report. In line 9, after the word "Navy," I move to insert a comma and the words "Revenue-Cutter Service," so that the act will protect those wearing the uniform of the Army, the Navy, the Revenue-Cutter Service, and the Marine Corps.

The amendment was agreed to.

Mr. BRANDEGEE. Also, in line 8, I move that the words "rightfully and" be stricken out. I do not think those words add any force to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THOMAS P. MORGAN, JR.

Mr. OVERMAN. I ask leave to call up the bill (H. R. 5968) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Thomas P. Morgan, jr., \$4,942.28, in satisfaction of the findings of the Court of Claims of the United States in the case of Thomas P. Morgan, jr., No. 692, congressional, on the dockets of that court, being the sum due Morgan on a dredging contract in Norfolk Harbor with the Government, and for which the Government got value received.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK W. HUTCHINS.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 9270) for the relief of Frank W. Hutchins.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 11, before the word "dollars," to strike out "eight thousand" and insert "one thousand and eighty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank W. Hutchins, of Vinalhaven, Me., administrator of the goods and estate which were of Edgar Emerson, deceased, late of Penobscot, in the county of Hancock, State of Maine, for the benefit of Margaret Ann Hutchins, of said Penobscot, his surviving mother, he having left no widow or children, out of any money in the Treasury not otherwise appropriated, the sum of \$1,080, said sum being in full for all claims against the United States on account of the death of said Edgar Emerson, he having been killed by the United States troops at Fort Barrancas, Fla., through the negligence and

carelessness of said troops, and without any negligence or carelessness on his part contributing thereto, while said troops were engaged in target practice, he being at the time employed on a fishing vessel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I wish to give notice that immediately after the conclusion of the speech of my colleague [Mr. Root] tomorrow, of which notice has been given, I shall call up the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 10, 1911, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 9, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

APOLOGY TO THE HOUSE.

The SPEAKER. The Chair has received a communication that it seems to the Chair, in fairness to the House, he ought to lay before it. It refers to a matter of privilege that the House considered a few days ago, and the Chair will lay it before the House for its information.

The Clerk read as follows:

WASHINGTON, D. C., February 8, 1911.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives.

DEAR SIR: Realizing that my attempted assault on a Member of this House Saturday evening, February 4, was a violation of the rules of the House and of the Constitution of the United States, I desire, through you, to apologize to the House of Representatives.

In this connection I desire to call attention to the fact that I called at your office early Monday morning for the purpose of making this apology. Mr. Busbey, your secretary, informed me that inasmuch as the incident of Saturday evening was not at that time a matter of official knowledge it would be well to take no action in the premises at that time.

Two hours later the matter was called to the attention of the House. I would have offered my apology then, were it not for the fact that I preferred to have the investigation, which was subsequently ordered, actually begin.

I have withheld my apology until the day of the investigation, in order that my letter might not be construed as an attempt to head off an investigation of the entire incident.

I am filing a copy of this letter with the investigating committee.

Yours, respectfully,

WALTER J. FAHY.

The SPEAKER. It seems to the Chair that, without objection, the communication should be referred to the Committee on the Judiciary, if no Member has a different suggestion to make.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I am directed by the Committee on Military Affairs to report back with Senate amendments the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, and to move to disagree, by instruction of the committee, to all amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. HULL], by direction of the Committee on Military Affairs, reports the Army appropriation bill with a recommendation that the House do disagree to all the Senate amendments, and asks unanimous consent that that order be made, including the asking of a conference.

Mr. SULZER. Mr. Speaker, we have no objection to that.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Iowa [Mr. HULL] whether any opportunity will be given to consider any of these Senate amendments?

The SPEAKER. Does the gentleman from Iowa [Mr. HULL] yield to the gentleman from Illinois?

Mr. HULL of Iowa. I yield to the gentleman.

Mr. MANN. I would like to inquire whether, if this bill goes to conference by unanimous consent, there will be any opportunity in the House to have a vote on some of the amendments which are in controversy and of considerable importance?

Mr. HULL of Iowa. I should say, Mr. Speaker, that the chances are the House would have an opportunity to vote on several of the amendments unless they are eliminated in con-

ference. Of course, if they are eliminated in conference there will be no separate vote and no occasion for one.

Mr. FITZGERALD. Mr. Speaker, there are a number of provisions in this bill substantially increasing the officers in the Army and making provisions for some of the various services like the veterinary service and dental corps—an increase of six hundred and odd officers—and unless those matters will be brought back to the House they will have to be considered before they go to conference.

Mr. SLAYDEN. Mr. Speaker—

Mr. SULZER. Mr. Speaker—

Mr. HULL of Iowa. I would like to say to the gentleman from New York [Mr. FITZGERALD] and to the House this is the first proposition for a conference on this bill. It is impossible for the House, with any propriety, to decide on what can go to conference and what can not before the conferees have had at least one conference. This should be a free conference. The House always has had the absolute control of these matters, and it is no unusual thing to vote down a conference report where it has gone counter to the wishes of the House. I think I can say that in one case where the conferees on another bill went counter to the wishes of the House the House took the whole matter out of the hands of the House conferees and appointed new conferees. The first conference, in order to be a free conference, ought at least to give the conferees of the House an opportunity to meet the conferees of the Senate on equal terms. This matter has been gone over by the Committee on Military Affairs this morning. Of course that is not conclusive. Even if the committee were unanimous, they might not go in accordance with the wishes of the House, but if there was any proposition here to go into Committee of the Whole House on the state of the Union it would simply mean disagreement, because, I assume, the House would not take such action as to notify the Senate in advance that the conferees were not free in their first conference.

Mr. MANN. The gentleman realizes that there is a great difference between going into conference by disagreement in this form and going into conference after the House by unanimous vote has voted against a particular amendment.

Mr. HULL of Iowa. I remember on one occasion, if the gentleman from Illinois will pardon me, when the military appropriation bill went into Committee of the Whole House, and it simply resulted in a disagreement to all amendments, so that they might go into conference. Now, I realize just as much as the gentleman from Illinois that there is a vast amount of legislation on this bill, and that in fairness to the House, if it is not adjusted by the committee in conference, the House ought to have an opportunity to pass upon it. To take individual items now I think would be bad policy and not bind the committee any more than the knowledge of the situation in the House would bind it as it is.

Mr. SULZER. Mr. Speaker—

Mr. HULL of Iowa. I will yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, I substantially agree with all the gentleman from Iowa has said, and in reply to the inquiries of the gentleman from New York and the gentleman from Illinois, I want to say that if these Senate amendments do not go out in conference by elimination, then the House, of course, will have an opportunity to vote on each or all of them when the report of the conferees is returned.

Mr. FITZGERALD. What the gentleman from New York means by elimination is difficult to tell; it might be elimination by agreement.

Mr. HULL of Iowa. Suppose the Senate recedes. They are not eliminated if we agree to them.

Mr. SLAYDEN. Mr. Speaker, I would like to ask the chairman of the committee in reference to some items. Suppose the Senate conferees should be so persuasive as to induce the House conferees to agree to certain items that the House might be opposed to, then they would come in here with a motion to concur, and I believe that would have precedence in consideration by the House and the advantage of that position. What I want to have, and what I spoke to the chairman about, is that the House shall have the privilege to pass on certain items before any agreement can be reached, unless they are eliminated by agreement.

Mr. HULL of Iowa. I want to say that if we should formally consider each amendment, unless some man should move to concur, it would be a vote to nonconcur, and I think the committee of conference, understanding the temper of the House on this amount of legislation that is put on the bill, will have no disposition whatever to take advantage of the House in any way, and that the individual members of the conference wish to submit to the House the fullest opportunity for individual

consideration of all the amendments that require legislation outside of what is legitimate. But, Mr. Speaker, in the first conference, in order to go into it on equal terms, it seems to me, the House having jurisdiction of the appropriation bill, should have the right to meet in free conference, and if they violate the sentiments of the House it will be brought back here in ample time to vote down the conference report and send it back to conference with instructions. But it is unheard of to send instructions with the first conference on any bill that goes to conference between the two Houses.

Mr. FITZGERALD. The gentleman from Iowa is mistaken. The legislative appropriation bill went into conference on certain definite agreements.

Mr. HULL of Iowa. About as definite as these I have made.

Mr. FITZGERALD. The gentleman is asking a favor of the House. The House may wish to express its disapproval of the legislation put on the bill, and while the gentleman speaks of representing the sentiment of the House, it might be difficult for him to differentiate between his views and the views of the Members of the House. For instance, take the provision increasing the officers of the Army. The gentleman from Iowa has fixed opinions on that question. He has reported a bill from his committee for that purpose. How does he know whether his views correspond with the sentiment of the House on that subject? If he is going on the theory that the bill reported by him represents the views of the House there will not be a very pleasant time when he gets back from conference.

There is no more impropriety in the gentleman making a statement that if the bill goes to conference by unanimous consent important matters of legislation will be brought back before the House will agree to them than there is in making other conferees do the same thing. The gentleman can take his choice, the gentleman can give the House that assurance or the House will exercise its right to pass upon those questions before the bill goes to conference.

Mr. HULL of Iowa. I have stated as definitely as I think a man can. We took the bill before the Military Affairs Committee at the request of the minority members, and as that committee is divided largely on these questions of new legislation, the committee of conference would regard it as indefensible to agree to these amendments where the committee itself is divided without giving the House an opportunity to express itself.

Mr. FITZGERALD. With that statement I am satisfied.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Iowa.

The SPEAKER appointed the following conferees on the part of the House: Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER.

REPORT ON DELAY OF BALLINGER REPORT.

Mr. DALZELL. Mr. Speaker, I desire to report from the Committee on Rules House resolution 931, which directed that committee to investigate and report the facts connected with the so-called Ballinger report.

The SPEAKER. The report (No. 2102) will be referred to the House Calendar.

Mr. HITCHCOCK. Mr. Speaker, I would like to have the report read, as it is a matter of privilege.

The SPEAKER. This report covers about 30 pages. The proposition is to refer it to the House Calendar and print it. The Chair supposes, and is inclined to believe, that a Member of the House can have it read at the Clerk's desk, inasmuch as it is a matter of privilege; but as there is no proposition for action connected with it, does the gentleman demand the reading?

Mr. HITCHCOCK. Mr. Speaker, I would like to ask, as a parliamentary inquiry, whether, as a matter of privilege, I can offer a resolution based on that report without having the report read? I am perfectly willing to omit the reading of the report if it is in order to take up the resolution which I desire to offer as a matter of privilege.

The SPEAKER. The Chair would state that while this report is a privileged report, the Chair is informed it does not recommend any action; but there are other matters, other privileged reports and bills, of higher privilege than this—at least of as high privilege—to be considered, and the Chair has been notified by two gentlemen that they desire to call up matters of high privilege, one the chairman of an appropriation committee, and another presenting business possibly in order under the Constitution. Of course, the House can always do what it desires to do.

Mr. UNDERWOOD. Mr. Speaker, as I understand the parliamentary situation, it is this: There is a privileged report presented by the gentleman from Pennsylvania [Mr. DALZELL] before the House. The Committee on Rules has carried out the instructions of the House and reported the facts. It has reported no recommendation, but that privileged report is now

before the House, and it seems to me that it is in order for any Member of this House to present a resolution if it is germane to the privileged report.

The SPEAKER. The Chair will meet that question when it arises. In the meantime, does the gentleman demand the reading of the report?

Mr. HITCHCOCK. Mr. Speaker, I am willing to waive the reading of the report if the House will consider my resolution.

The SPEAKER. If the gentleman desires to consider the resolution it will require unanimous consent.

Mr. HITCHCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of my resolution, pending the—

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution 931, have had the same under consideration and submit the following report: On January 26 the House passed the following resolution (H. Res. 931, 61st Cong., 3d sess.):

"Resolved, That the Committee on Rules be, and it is hereby, directed to investigate and report to the House within one week all facts connected with the reference of the so-called Ballinger reports, and any delay regarding the transmission of said reports to the committee to which referred."

Immediately upon receipt of this resolution the Committee on Rules proceeded to call witnesses and take testimony, and from the testimony and documents presented to it find the following facts:

On December 7, 1910, the report of the vice chairman of the Ballinger Commission was transmitted to the House. This report, including report of the majority and minority of the commission and the testimony, consisted of about 8,000 pages, in which were included 8 maps in colors, each map having from one to six colors. Both of these reports and the testimony and the maps had previously been printed during the sitting of the commission and for a long time had been accessible to all parties desiring to have them. On the receipt of the letter of transmittal and the report and testimony they were indorsed in the usual way on behalf of the Speaker by the clerk at the Speaker's table, Mr. Hinds, and referred to the Committee on Agriculture. The report, testimony, and references were then sent to Mr. J. W. Reisinger, the printing and document clerk of the House. They were in his office, open to inspection by the newspaper reporters, and the Washington papers of December 8 published the fact of the receipt of the report and of its reference to the Committee on Agriculture. The Journal clerk of the House is in receipt daily of numerous executive documents and, instead of setting them out by title in his Journal at the time, he makes a simple memorandum, "executive documents," and awaits a description of them in detail to be sent him by the printing and document clerk, to be entered upon the Journal of the House for that day. Under ordinary circumstances the report and the letter of transmittal, with its indorsement, would have been sent at once by the printing and document clerk of the House to the Public Printer for printing. Under existing law there would have been printed 1,682 copies.

On the same day, however, December 7, Senator NELSON, chairman of the Ballinger Commission, introduced into the Senate a concurrent resolution calling for the printing of 30,000 copies. This action was called to the attention of the printing and document clerk and he was asked by some one, whom he can not now remember, to delay the usual transmission of the material to the Public Printer until the concurrent resolution could be passed and go with the manuscript. The printing and document clerk thereupon appealed to Mr. Hinds for instruction and understood him to say that there could be no objection to withholding the manuscript until the Senate resolution could be passed. It was then supposed that the resolution would be promptly passed, and that no delay would result in sending all the documents to the Public Printer. This Senate concurrent resolution for extra copies did not pass the Senate until December 13, and did not pass the House until December 20. On December 19, inquiry having developed the fact that the documents in question, including the letter of transmittal, had been delayed, the printing and document clerk certified to the representative of the Printing Office the fact of the receipt by him of the report and indorsement, and upon notice from him to the Journal clerk the proper entry was made in the Journal as of that date.

The Senate copy of the report and testimony was transmitted to the Public Printer on December 20, and he used this copy instead of the House copy in making his reprint, except as to volume 9, which was taken from the House copy because a portion of the Senate copy of volume 9 was missing in parts.

On December 22 the Public Printer proceeded to the reprinting, and on December 23 the composition was begun and 175 folios were sent to the composing room.

The entire matter having been previously set up and printed, the plates had been saved and with necessary corrections were used for the reprint. Originally there had been but 12 volumes, but on the reprint the original volume 1 became volume 2, and so on. As a consequence, the title pages, folios, and signatures, page numbers, stenographers' errors in words, etc., had to be corrected. These corrections covered about 8,000 pages. They were made by hand, by skilled workmen, and the work is necessarily slow and tedious. After the corrections of the plates were made, corrected proofs had to be sent to the Senate for revision. The work was pushed as rapidly as possible, and so far as appears to the committee there was no avoidable delay at the Printing Office.

Prior to the commencement of the reprint, upon the reference from the House, namely, on December 6, the Public Printer had begun printing copies of the majority and minority report, at the request of the commission, and these, with 1,000 copies of Mr. MADISON'S views, were delivered to the public December 13. It appears that the type from which volume 1 was to be reprinted was so badly worn by use that it was reset entirely. This resetting began December 23. Volume 1 was composed and proof sent out December 23, but the complete corrections of the 13 volumes were not completed until January 24. Volume 1 was completed January 10; other volumes followed rapidly. These volumes contained eight maps; volume 1 a map of Alaska.

Section 80 of the printing law provides:

"No document or report to be illustrated or accompanied by maps shall be printed by the Public Printer until the illustrations and maps designed therefor shall be ready for publication."

The order to print these maps was given to the Geological Survey without advertising in order to hasten the work, and the printing of them was pushed as rapidly as possible.

According to the Public Printer, the printing of the maps was an exceptionally quick job; quicker than could have been done by parties other than the Geological Survey by six weeks. The Geological Survey, using three shifts of men, worked day and night on the maps, which consumed 2½ tons of paper and required more than 67,000 lithographic impressions; some of the maps were in six, some in three, some in two, and some in one color, and each map required a day for the ink to dry. Volume 1, which contains the majority and minority reports, could have been delivered by January 10, if demanded, without the maps. There was never any intimation to the Public Printer that any haste was required or desired. The entire testimony and the maps had been previously printed and distributed, and the majority and minority reports, and Mr. MADISON'S views, printed and distributed, and printed again, until the type was worn out so that volume 1 had to be reset on December 21.

The maps were ordered January 6, that being the day the copy preparers had completed the preparation of the copy and the first day it was known, finally, how many maps were to be needed. Until January 21 no inquiry from any person whatever, nor request to expedite the work, was received by the Public Printer. During this time the Public Printer had on hand many large and important jobs, including testimony taken in the Brownsville case (12 volumes), interstate-rate hearings held last fall (10 volumes), both of which were marked "Rush;" and the omnibus claims bill, about 1,000 pages—this required plate corrections all the way through.

He had no intimation that there was any demand for haste in the printing of the commission's report; no one had requested delay; no one had requested expedition. In the period of 25 working days that this report was in his hands he produced some 60 complete volumes in all. The only delay seems to have been caused by the slow progress through the Senate and the House of Senator NELSON'S concurrent resolution. The committee are unable to find from the testimony submitted any delay as the result of design upon the part of anyone.

Mr. DALZELL. Mr. Speaker, as has already been stated, and as it appears from the reading of the report, this report makes no recommendation, but simply lays the facts before the House as ascertained by the committee. It seems to me the report has answered its function, and I now move to lay the report on the table.

Mr. HITCHCOCK. Mr. Speaker, I claim, as a matter of privilege, the consideration of the following resolution—

The SPEAKER. The gentleman from Pennsylvania moves to lay the report from the Committee on Rules on the table. It would seem to the Chair that motion, under the rules, is in order and that the gentleman's resolution would have to await the decision of the House on the motion to lay on the table on the general subject.

Mr. HITCHCOCK. Will the Chair hear me for a moment on that?

Mr. FITZGERALD. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question. Would it not be more respectful to the Committee on Rules to move that this report be agreed to by the House?

Mr. SPEAKER. Of course, the report is not debatable, except by unanimous consent.

Mr. DALZELL. I was not thinking very much about the question of respect, but thinking more about expedition.

Mr. HITCHCOCK. There was not very much hurry when 49 days elapsed.

The SPEAKER. The gentleman from Pennsylvania has made a motion to lay the report on the table.

Mr. DALZELL. I will withhold that motion for two minutes.

Mr. FITZGERALD. Mr. Speaker, I will request the gentleman to withhold the motion for two minutes in order that I may make a statement.

Mr. DALZELL. Mr. Speaker, I withhold the motion for two minutes.

Mr. FITZGERALD. Mr. Speaker, the Committee on Rules has unanimously agreed on certain facts. This investigation was affecting a matter which might be of vital importance to the House at some time. To avoid controversy, to get the facts before the House, no attempt was made by the committee to draw any conclusions or to make any recommendations. It is a fact, however, that for more than 12 days no satisfactory explanation—and I am not attempting in any way to impugn anyone—no satisfactory explanation regarding the conduct of the business of the House is given for the failure to have this report disposed of. Some gentlemen wish to discuss somewhat briefly the conditions disclosed by the report. The laying of the report on the table disposes of it indefinitely or forever. It seems to me that when an important report like this, through either a failure of a proper rule or a failure of proper regulations concerning such reports, can disappear or be held up or suspended—perhaps I should not say disappear, for it did not disappear—but could be stopped in its transmission to a committee, it is of such importance to this House that it should be given a little consideration.

Mr. HEFLIN. Will the gentleman yield?

Mr. FITZGERALD. Not at this particular time. I should prefer personally that the gentleman from Pennsylvania should submit a motion to agree to the report submitted by the com-

mittee, and I should be willing to give the House an opportunity within reasonable time to take such appropriate action on this report that it should desire.

I do not believe that the best interests of the House in the conduct of its business in a proper way is to be advanced by laying this report on the table without discussion, without consideration, and without some appropriate action, and I hope that action will not be taken.

Mr. HEFLIN. May I ask the gentleman a question? If we lay this report upon the table, as suggested by the gentleman from Pennsylvania [Mr. DALZELL], it will mean that no action is to be taken by this Congress on the Ballinger matter?

Mr. FITZGERALD. None whatever.

Mr. HEFLIN. Then I trust that the motion will not prevail.

Mr. DALZELL. This, of course, has nothing whatever to do with the merits of the Ballinger transaction, so called, and notwithstanding what the gentleman from New York has said, I see nothing on the face of this report which calls for any action on the part of the House now, looking to the future at all. If the gentleman from Nebraska is desirous of discussing the report for a few moments, I have no objection, and will yield him five minutes and withhold my motion. I have no desire to cut off discussion on his part. How much time does the gentleman desire?

Mr. HITCHCOCK. I should appreciate a few moments' time, although I think I agree with the gentleman from New York that the House ought to take some action to prevent the recurrence in the future of such a practice as this was. I do not propose to censure any of the employees of this House. I realize that it is within the possibilities that it was all accidental, and that these circumstances were merely coincidences which, combined together, resulted in a delay of 49 days; but I believe this House owes it to itself to provide for the future so that no such accidents or coincidences should occur. My resolution was of that character.

Mr. DALZELL. Whether the suggestion of the gentleman from New York should prevail or my motion should prevail, the result will be the same in either event, and if the gentleman from Nebraska desires me to yield to him a limited, reasonable amount of time, I am perfectly willing to do so, and then I shall renew my motion.

Mr. HITCHCOCK. Well, if the gentleman will allow me 10 minutes—

Mr. DALZELL. I will agree to that, and then I shall renew my motion.

Mr. HITCHCOCK. Mr. Speaker, I desire to have read the following resolution, which I present and which I desire to have read in my time.

The SPEAKER. The gentleman desires to have read the following resolution (H. Res. 957). The Clerk will read.

The Clerk read as follows:

Whereas the facts reported by the Committee on Rules as the result of its hearings indicate in several particulars the violation of the proper procedure of the House in the handling of the reports of the so-called Ballinger investigating commission, as the result of which said reports, received by the House December 7, were delayed and did not reach the Committee on Agriculture till 49 days thereafter:

Resolved, That the Committee on Rules be, and it is hereby, directed to report to the House within one week a resolution embracing the following instructions to the Clerk of the House of Representatives, his assistants, and other employees of the House having duties connected with the reference, delivery, and custody for the House of documents or papers of any kind:

"That reference shall be promptly made; that the journal of the same day shall correctly show the reference; that no employee shall be permitted to delay the transmittal of the documents or matters referred, except on written authority, and then for not more than two days; that an accurate record shall be kept by the Clerk and his assistants of the exact time that each document is received, and shall also show the time it is transmitted and to whom."

Mr. HITCHCOCK. Now, Mr. Speaker, let me first draw the attention of the House to the importance of this matter, which was delayed 49 days in passing from this House to the committee to which it was supposed to have been referred.

What did it relate to? It related to charges made originally by me upon the floor of this House more than a year ago, to the effect that by reason of the conspiracy which existed in the Department of the Interior some \$25,000,000 worth of coal lands were being "railroaded" into the hands of a great combination in violation of law. That charge was deemed so serious that this House and the Senate, by a joint resolution, as the result of agitation, ordered an investigation.

The joint commission which carried on that investigation sat for weeks and months. It expended a great deal of money, and it secured testimony which not only vindicated the position I had taken, but it brought forth a great deal of other testimony which likewise tended to establish this attempt in the Land Office to railroad these fraudulent claims to patent. Finally, Mr. Speaker, when that joint committee reported to the House

and Senate, it is a fact that the Members of the House of Representatives upon that committee, six in number, divided equally as to whether those charges were justified or not.

I think that when that committee, thus divided, reported those conclusions to this House, it was due that those conclusions should be given a hearing here, and that this House, with the full printed testimony before it, should pass upon those serious charges that had been made. This was not a trifling matter, Mr. Speaker, either in the amount involved or in the nature of the charges brought against a great department of the United States Government. But instead of being given prompt attention in this House, let me ask what occurred? The three reports of the investigating commission were laid before this House on the 7th of December. They were supposed to have been referred to the Committee on Agriculture, but, as a matter of fact, they did not reach the Committee on Agriculture for 49 days, and when an investigation was made to ascertain where they were, whether they were upon the Speaker's desk or in the committee or in somebody's pocket, what do the facts show? They show that an employee of this House held up that reference for 12 days. Upon whose suggestion? Nobody knows. He says in the testimony here that somebody came to him, he does not know who, from Mr. Hinds, and told him to hold them up. What does Mr. Hinds say in his testimony? He says that somebody came to him, he does not know who it was, and "suggested" to him that they ought to be held up, and finally, as the result of the action of this mysterious individual, not named by Clerk Reisinger, not named by Mr. Hinds, and unknown to anybody, that reference was held up in violation of the rules of this House for 12 days.

And finally, after 12 days, the reference was entered in the Journal, partly as the result of the efforts of the gentleman from Kentucky [Mr. JAMES] and myself. When that had been done and we knew by the Journal what the reference was and as to where the reports were sent, there was an enormous delay in the Printing Office, and it was a delay, Mr. Speaker, not justified. I care not what the Public Printer says. It is absurd to claim that it takes from the 20th day of December to the 25th day of January to reprint reports that are already in type or in plate and maps already lithographed. [Applause on the Democratic side.]

Now, Mr. Speaker, it seems to me that this, as I say, is a matter sufficiently serious, not only from the great amount involved but from the gravity of the charges, to require the attention of this House, and for my part I have done my best to bring it to the attention of this House; and if the responsible majority of this House, controlling the committees, now proposes to refuse consideration and to take advantage of this 49 days' delay and throttle the hearings, I will abide the result. [Applause.]

Mr. DALZELL. Mr. Speaker, the resolution that was read by the gentleman in his time does not seem to me to be an objectionable resolution. It has reference to the conduct of the officers of the House and is to that extent a perfectly proper resolution to be considered at the proper time. So far as I am concerned, I would have no objection to its being considered now. I shall now renew my motion to lay the report on the table.

Mr. JAMES. Mr. Speaker, I would like to suggest to the gentleman from Pennsylvania [Mr. DALZELL] that if what he says is true, and I believe it is, that he has no objection to the resolution offered by the gentleman from Nebraska [Mr. HITCHCOCK], he might obtain unanimous consent to let it be adopted at this time.

Mr. DALZELL. I have no objection to that.

Mr. MANN. Mr. Speaker, I ask that the resolution be read again for information.

The SPEAKER. The Clerk will again report the resolution. The resolution was again read.

Mr. DALZELL. I want to suggest, Mr. Speaker, that the gentleman strike out the whereas. I can not agree to that statement.

Mr. MANN. There is no occasion for a reflection on the officials of the House.

Mr. DALZELL. It is not hardly fair, because it includes all the time that was necessarily occupied in the Government Printing Office.

Mr. FITZGERALD. Mr. Speaker, I suggest that the Committee on Rules be directed to report within a week a rule covering the reference and disposition of public documents of that character.

Mr. HITCHCOCK. I deny that this is any reflection on the employees of the House any more than they have admitted in their testimony.

Mr. DALZELL. I do not desire to get into any discussion with the gentleman on that question.

Mr. HITCHCOCK. Has the gentleman read the evidence?

Mr. MANN. I have heard the report read, and I understand it is a unanimous report.

Mr. FITZGERALD. I ask, Mr. Speaker, unanimous consent that the Committee on Rules be directed to report within a week, covering the disposition and reference of all documents submitted to the House. That will eliminate the controversy and obtain what the gentleman from Nebraska wants. The Speaker makes the reference and not the Clerk, and the gentleman's resolution does not cover that.

Mr. JAMES. Mr. Speaker, I agree with the gentleman from Nebraska [Mr. HITCHCOCK] as to the preamble, and in it I think the gentleman states the truth as shown by the proof; but it does not add anything to the resolution itself, and I suggest that he might withdraw that part of it and let the resolution, which follows the preamble, be adopted.

Mr. HITCHCOCK. Well, Mr. Speaker, at the request of others I withdraw the preamble.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the resolution which has been read for the information of the House, modified by striking out the preamble, shall be agreed to. Is there objection?

There was no objection.

Mr. DALZELL. Now, Mr. Speaker, I move that the report (No. 2102) be laid on the table.

The motion was agreed to.

PANAMA CANAL BONDS AS SECURITY.

The SPEAKER. The Chair lays before the House the following Senate bill, a bill substantially similar being on the House Calendar. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 10456) to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to insert in the bonds to be issued by him under section 39 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks; and the bonds containing such provision shall not be receivable for that purpose.

Mr. HILL. Mr. Speaker, I move the adoption of the Senate bill.

Mr. MANN. Mr. Speaker, I make a point of order that that bill should be on the Union Calendar.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. MANN. It is a bill providing as to the form and substance of bonds to be issued by the Government; that is, to raise revenue, and therefore should be on the Union Calendar.

The SPEAKER. Does the gentleman think that on the face of this bill it affects the revenue?

Mr. MANN. It seems that way to me. To insert in a bond a provision which affects the value of the bond undoubtedly would affect the revenues of the Government.

The SPEAKER. The Chair suggests to the gentleman that that is a matter appearing on the face of the bill, and a matter of speculation.

Mr. MANN. Of course, if it is a matter of speculation, that settles it. But here is a proposition directly affecting the issuance of bonds. It may be a matter of speculation as to whether the bonds are to be issued at all, but when authority is given to issue bonds the terms upon which they are issued must affect their value.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will indulge me, I think it is clear that any bill providing for the issuance of bonds by the United States Government must go to the Union Calendar, and as this is a bill amending an act providing for the issuance of bonds, it necessarily should go to the Union Calendar, because it changes the conditions under which the bonds shall be issued. Therefore, I think it ought clearly to go to the Union Calendar and should not be considered in this way.

Mr. HILL. Mr. Speaker, the bill does not authorize any issuance of bonds. They were issued under section 39 of the Payne tariff bill. This is simply to give to the Secretary of the Treasury certain power that refers to the form of a bond, but is in no way a revenue matter and does not affect the revenue.

Mr. GAINES. Will the gentleman from Connecticut yield?

Mr. HILL. Certainly.

Mr. GAINES. The gentleman from Connecticut does not mean to say that this bill would in no sense affect the value of the bonds? I am not taking sides one way or the other, but I want to state this fact.

This bill does affect the value of the Panama bonds to be issued, by affecting the uses to which they may be put, by persons purchasing the bonds, and therefore would unquestionably affect the salable value of the bonds.

Mr. HILL. Mr. Speaker, in reply to the speaker, I would say that he is entirely mistaken. It in no way affects the value of this issue of bonds, and I will try to show that to the House.

Mr. GAINES. Mr. Speaker, if the gentleman will permit me—

Mr. HILL. That is simply a question of opinion, after all.

Mr. GAINES. Precisely. The gentleman from Connecticut says that whether it does or does not affect the value of the bonds is a matter of opinion, after all; but upon the question here involved, upon the point of order raised by the gentleman from Illinois [Mr. MANN], it is upon its face a limitation upon the use of the bonds, so that the speculation comes upon the other side as to whether it will or will not affect the value. It appears upon the face that a limitation is put upon their use, a very important limitation, Mr. Speaker, if I may be indulged for a moment, to wit: We all know that the issue of 2 per cent bonds has been very greatly enhanced in value by the use as security for circulation, and this is a provision that these bonds shall not be used to secure circulation.

Mr. HILL. Mr. Speaker, all of that is a question which must be discussed and considered when the bill is before the House. There is nothing whatever in this bill as drawn that authorizes the issue of a bond or in any way affects the revenue.

The SPEAKER. The Chair desires to call the attention of the House to the provisions of the Senate bill, a similar bill being not upon the Union Calendar, but upon the House Calendar. The Chair reads:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to insert in the bonds to be issued by him under section 39 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks; and the bonds containing such provision shall not be receivable for that purpose.

Now, the issue of these bonds is authorized by the act referred to, and this is a proposition to direct what the bonds shall contain. The point of order is made that this makes a charge upon the Treasury or affects the revenues, because it is thought that it will make a change in the value of the bonds. Is there anything in the bill which shows what the effect would be? The mere fact that the gentleman who makes the point of order proceeds to argue the question and states what would be the result in his opinion is not sufficient, in the opinion of the Chair, to establish the fact that the bill does affect the revenues. The Chair desires in this connection to read from the Manual at page 426, section 844:

To require consideration in Committee of the Whole, a bill must show on its face that it falls within the requirements of the rule (IV, 4811-4817), but where the expenditure is a mere matter of speculation, or where the bill might involve a charge, but does not necessarily do so, the rule does not apply. A bill providing for an expenditure which is to be borne otherwise than by the Government, or relating to money in the Treasury in trust, is not governed by the rule.

Now, there is a series of decisions establishing this construction of the rule. Many gentlemen are familiar with them. The rule is a wide one, and generally applies to the supply bills or other bills affecting the revenues, generally voluminous, providing that they shall be considered in Committee of the Whole House on the state of the Union. Following, however, as it seems to the Chair, the uniform ruling, the Chair overrules the point of order.

Mr. UNDERWOOD. Mr. Speaker, I raise the question of consideration of the bill at this time.

The SPEAKER. The gentleman raises the question of the consideration of the bill at this time. The question is, Shall the House consider the bill at this time?

The question was taken; and on a division (demanded by Mr. HILL) there were—ayes 86, noes 125.

Mr. HILL. Mr. Speaker, I am not going to take up the time of the House in calling for the yeas and nays, but this is an important measure, and I shall ask for tellers. [Cries of "No!"]

The SPEAKER. The gentleman from Connecticut demands tellers.

The question was taken, and 33 gentlemen rose.

The SPEAKER. Thirty-three gentlemen have arisen; not a sufficient number, and tellers are refused. The noes have it, and the House refuses to consider the bill.

APPORTIONMENT OF REPRESENTATIVES.

Mr. CRUMPACKER and Mr. SCOTT rose.

Mr. CRUMPACKER. Mr. Speaker—

Mr. SCOTT. Mr. Speaker—

The SPEAKER. Two gentlemen arise. For what purpose did the gentleman from Kansas arise?

Mr. SCOTT. Mr. Speaker, I rose for the purpose of moving that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The SPEAKER. The gentleman from Kansas arises for the purpose of submitting a motion that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill. For what purpose did the gentleman from Indiana arise?

Mr. CRUMPACKER. I arose, Mr. Speaker, for the purpose of moving that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill apportioning Representatives among the several States under the Thirteenth Decennial Census.

The SPEAKER. The gentleman from Indiana rose for the purpose of submitting a motion to the House that it do resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill referred to—the apportionment bill—reported from the Committee on the Census. It seems to the Chair the gentleman calls up a matter which heretofore has been held, with one exception, uniformly to be a question of constitutional privilege, and the Chair will recognize the motion of the gentleman from Indiana.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTLER. Did not this House once overrule the Speaker and hold this was not a motion of the highest privilege?

The SPEAKER. Oh, well, the Chair thinks it did, but the Chair, without regard to such action, recognizes the gentleman, and it is in the power of the House to consider this bill; or, if they refuse to consider this bill, to consider some other privileged bill.

Mr. SCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCOTT. Would it be in order for me to move, as an amendment to the motion of the gentleman from Indiana, that the House proceed to go into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural bill?

The SPEAKER. Those motions under the rule in the practice of the House have not been considered as amendable, since no time would be saved and no purpose would be effected.

Mr. CRUMPACKER. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 30566) providing for the apportionment of Representatives among the several States.

The SPEAKER. The gentleman from Indiana moves that the House do resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 30566) for the apportionment of Representatives among the several States.

Mr. CRUMPACKER. And, Mr. Speaker, pending that motion, I ask unanimous consent that general debate on the bill be limited to two hours, one hour on a side, one hour of which is to be controlled by the gentleman from Virginia [Mr. HAY] and the other half by myself, and that the debate shall be confined to the bill.

The SPEAKER. The Chair will state the request. The gentleman from Indiana asks unanimous consent that all general debate be limited to two hours on this bill, one half to be controlled by the gentleman from Indiana and the other half by the gentleman from Virginia, and that the general debate shall be confined to the bill.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. I would like to ask the gentleman from Indiana if he thinks it would be fair to have general debate controlled by two gentlemen who have both reported in favor of the same bill.

Mr. CRUMPACKER. Well, I do not know that there is anybody in the House who is opposed to the bill.

Mr. MANN. A good many people are opposed to the bill which is reported and which the gentleman calls up.

Mr. CRUMPACKER. I know that an amendment will be offered to the first section limiting the membership, or reducing the membership from 433, as proposed by the bill, to 391.

Mr. KENDALL. That will be done by the committee.

Mr. CRUMPACKER. And when that question comes up there will be a liberal amount of debate upon the bill.

The gentleman from Kansas [Mr. CAMPBELL] spoke to me about time that, I understand, he wants to use in opposing the size of the representation provided in the bill reported by the committee. I think arrangement can be made between the gentleman from Virginia [Mr. HAY] and myself to give him 30 minutes of the time.

Mr. CAMPBELL. Mr. Speaker, I am not the only one who wants time in opposition to the bill reported by the Committee on the Census.

The SPEAKER. One moment. The Chair will suggest that there may be some member of the Committee on the Census that is opposed to the bill as reported, on the matter of ratio, for instance, or for any other reason. If so, it seems that the gentleman had better modify his request in order to let him control the time; and if there is no such man on the committee then that the request ought to go to some gentleman on the Democratic side; and if there be no one there opposed to the bill, then to any gentleman on the Republican side who is opposed to it. The Chair merely makes that by way of suggestion.

Mr. KEIFER. Mr. Speaker, I would suggest that the gentleman from Indiana [Mr. CRUMPACKER] is opposed to the bill.

Mr. HAY. I would like to suggest that it is entirely proper that a gentleman who is opposed to the committee bill control the time on this side. Now, I understood the gentleman from Kansas [Mr. CAMPBELL] has introduced a bill carrying out the views of certain Members of the House for 391 Members instead of 433, as reported by the committee, and I suggest that the gentleman from Kansas [Mr. CAMPBELL] control the time as opposed to the committee bill, and the gentleman from Indiana [Mr. CRUMPACKER] control the time in favor of the bill.

The SPEAKER. Does the gentleman from Indiana [Mr. CRUMPACKER] modify his request as suggested by the gentleman from Virginia?

Mr. CRUMPACKER. I did not understand what his suggestion was.

The SPEAKER. The gentleman from Virginia [Mr. HAY] suggests the following modification, namely, that general debate be concluded in two hours, and be confined to the bill, and that the gentleman from Indiana [Mr. CRUMPACKER] control one hour of that time and the gentleman from Kansas [Mr. CAMPBELL] the other hour.

Mr. MANN. A question for information before they decide that, Mr. Speaker. Does the bill go to the Committee of the Whole under the five-minute rule after general debate?

The SPEAKER. It can only be considered in the Committee of the Whole House on the state of the Union except by unanimous consent, and under the five-minute rule, of course.

Mr. CRUMPACKER. The situation is a little peculiar here. I reported the bill at the request of the committee. Subsequently a Republican caucus was called that agreed to the Campbell proposition respecting membership. With the understanding that I shall champion the bill as reported by the committee and support it to the end, I will accept the suggestion made by the gentleman from Virginia [Mr. HAY].

Mr. MANN. I will not consent to any such understanding. The gentleman can do as he pleases, but there will be no understanding about it.

Mr. CRUMPACKER. I make that suggestion.

Mr. BUTLER. May I inquire of the gentleman which side he is on? He might champion the one side and report on the other.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I suggest to the gentleman from Indiana [Mr. CRUMPACKER] that we provide for three hours' debate, one hour to be controlled by himself, one hour by the gentleman from Kansas [Mr. CAMPBELL], and one by the gentleman from Virginia [Mr. HAY].

Mr. CRUMPACKER. I hoped we could get along with less debate. I wanted to finish the bill to-day. I have no objection if it is the judgment of the House that three hours ought to be devoted to general debate.

Mr. MANN. You do not have to use the time, if you do not wish to do so, on your side.

Mr. TAWNEY. Mr. Speaker, in the absence of any agreement respecting the division of time, the Chairman of the Committee of the Whole House on the state of the Union would then divide the time between those who are opposed to the proposition and those who favor the proposition.

Mr. MANN. Probably we would not get through with general debate to-day in that way.

Mr. TAWNEY. I understand; but we can agree on a time for limiting general debate, leaving the division of the time to the Chairman of the Committee of the Whole. The Chairman of the Committee of the Whole would have to recognize alternately men opposed to and men favoring the proposition.

Mr. CRUMPACKER. I will modify my request by asking that the time for general debate be limited to two hours and a half, and that it be confined to the bill.

The SPEAKER pro tempore. The gentleman from Indiana modifies his request that all general debate be closed in two hours and a half, and that it shall be confined to discussion of the bill. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 30566) for the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census, with Mr. MANN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of H. R. 30566, the reapportionment bill, and the Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 30566) for the reapportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census.

Mr. CRUMPACKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. CRUMPACKER. Mr. Chairman, the bill now before the committee for consideration provides for the apportionment of Representatives among the several States under the Thirteenth Decennial Census. The Constitution of the United States imperatively requires Congress to reapportion Representatives under each decennial census. The census of population was taken last year, and the result has been duly ascertained and certified to Congress by the Director of the Census. Everything is ready now for the apportionment of Representatives, and I regard it as the duty of this Congress to make the apportionment.

There are many very strong reasons why this legislation should be enacted before the expiration of the present Congress. The legislatures of almost every State in the Union are in session, and most of them, if not all, will remain in session until after the adjournment of Congress; and they may avail themselves while so in session of the right to redistrict the States into congressional districts containing an equal number of the population in compact and contiguous territory, as far as it is practicable to do so.

There will be a proposition submitted to the Committee of the Whole House to fix the membership for the next decade at 391 Members. If that shall be done 13 States will lose Representatives; and if there should be no legislation at this session of Congress, the governors of those States will be compelled to call special sessions of the legislatures next year in order to redistrict the States to accommodate the reduced membership, or the Representatives will all have to be elected by the States at large. Not a single one of those States has annual sessions of its legislature. There will not be one legislature in four throughout the country in session next year, and therefore I want to impress on the Committee of the Whole the great importance of enacting legislation for the apportionment of Representatives during this Congress.

It will be a great hardship to the States, involving an aggregate expenditure of two or two and one-half million dollars, to call special sessions of the legislatures next year. It is true that if there were no legislation on the subject of apportionment the States might possibly be able to elect their entire delegations at large, but that is such an unprecedented thing, such an unusual thing, that it seems to me there is no governor of a State who would not feel it his imperative duty to call the legislature together to redistrict the State.

Aside from that, I know a number of States that have no election machinery for electing Members of Congress at large. I know there is none in the State of Indiana. We could not possibly elect Members of Congress in Indiana if a reduction of membership took place unless there was a redistricting of the State. Our law provides a place for candidates for Representatives in Congress on the local ballot. There is no place on the general ballot in the State for congressional candidates, and the legislature would be compelled to meet for the purpose of amending the election laws if it was decided that there should be no redistricting.

In addition to all that, Mr. Chairman, there has been a shifting of population in many of the States, perhaps a decrease in some sections and an increase in others. Some localities have grown more than others. The State legislatures ought to have

the opportunity before the next election to readjust the districts so as to make them conform to the changes in population between various localities of the State, even when the membership in Congress of the State is not changed.

The bill reported by the Committee on the Census carries a membership of 433. With a membership of that number no State in the Union will lose a Representative. That is the smallest number that will save every State in the Union from the loss of a Representative. I am frank to say, Mr. Chairman, that that fact, I think, did influence the Committee on the Census in some measure in determining upon the size of the House, but it was not the controlling consideration.

The problem of determining how large the House ought to be to preserve its representative character and still not be so large as to seriously impair its capacity to perform its public functions is a very serious one.

Much has been said, and will be said, in the course of this debate against the increase in membership; much has been said, and will be said, in the course of this debate against even maintaining the present membership of 391, on the ground that the House is already an unwieldy body and on the ground that the individual importance of the Representative is diminished unduly and his power and responsibility correspondingly lessened. But it must be kept in mind, Mr. Chairman, that this is a representative body. It always has been, and it is the hope of those who believe in free institutions that it always will be. There is such a thing as having a House so small as to lose its representative character in a large degree. The smaller the House the greater the individual importance of the Members and the greater its facilities to dispatch business. One man could make all the laws in much less time and at a smaller cost than is required by the 92 Senators and 391 Representatives composing Congress now. But there are things to be considered besides time, cost, and the individual importance of the members of a legislative body. The Members of the House are supposed to reflect, in some degree at least, the feelings and the mature convictions of their constituents. This country is vast in area, diversified in climate and in resources, and substantially all general legislation is the result of the composite will of the whole people. It is the result of compromises and concessions whenever interests and ideals may come in conflict. The House is not intended as a forum simply for the development of orators or the exploitation of genius.

I fully appreciate the importance of a reasonable degree of independence and responsibility of the individual Representative as essential factors in making an efficient legislative body, but we must view this question from the standpoint of the public, from the standpoint of the country at large. The question is, How large should the House be so as to preserve its representative character on the one hand and not become so unwieldy as to seriously impair its ability to perform its constitutional functions on the other hand? A House that would give the individual Representative a very large latitude of influence and power and charge him with a correspondingly increased responsibility would not necessarily mean a House that could more intelligently and satisfactorily perform the public duties. These are problems that address themselves to Members of the House, and which they must decide in the light of reason and experience. The size the House shall be for the next decade is the only serious question presented by the bill under consideration.

There are congressional districts in the United States containing areas so large that Representatives are not able to visit all parts of them once in two years. It is difficult for Representatives of such districts to keep in touch with and inform themselves concerning the real needs and the sentiments and feelings of those whose commission they bear in this body. Districts should be reasonable in area and population, keeping in view the necessity of preserving the capacity of the House as a working body. Objection has been made against a membership of 433 on the ground of economy. That is a proper question to raise, but, in my judgment, a House of 433 Members, or of 450, viewed purely from the standpoint of economy, would be cheaper to the country than a House of 150. It is not a question of salary and mileage of Members only.

Everybody who has given any consideration to the character of legislative bodies knows that a legislature whose members stand close to the people and who meet them face to face and feel directly accountable to them as neighbors and friends is a great deal more careful in the use of the public funds than is a legislature whose members represent constituencies so large that personal contact is impracticable and that sense of personal responsibility is absent. We have an illustration of this truth in the two bodies that compose the Congress of the United States. Where is the argument of economy most potent? In this body or in the other? Where is public money expended

with an appearance of reckless extravagance—here or in the other body? You all know. And why? Because this body represents the people. Every two years every Member of the House must return to his constituents and give an account of his stewardship. He will be questioned about expenditures and about taxation and kindred subjects, and the smaller his constituency may be and the closer his contact with the people personally, the more economical will he be in disposing of public funds. This is human nature.

The economy argument is not the only one involved in the proposed measure. I am submitting these observations as an answer to the argument that this bill would involve the payment of salaries, mileage, and clerk hire to 42 additional Congressmen. I think solely from the standpoint of economy it would be a good investment, for more would be saved in appropriations than the additional salaries would amount to. There may be reasons why this increase ought not to be made, but the argument of economy is not one of them.

The ratio of population to membership that the committee decided upon in recommending the bill was 211,877. The ratio for the last apportionment was 194,182. Should this bill become a law there will be 17,695 more population in the average congressional district than there was under the apportionment of 1901. This bill does not represent the entire growth of population in the United States. The increase in membership represents about 50 per cent of the increase in population. Now, I repeat, it is for the Committee of the Whole and for the House to say whether the membership shall be 433 or whether it shall be 391 or some other number. I am simply suggesting some of the reasons the Committee on the Census had in mind when it reported on this measure.

The committee also had in mind, in making the increase, the fact that during the last two decades the work of the House of Representatives and of the entire Congress has very largely increased. The people of the country are becoming constantly, year by year, in closer touch with Federal legislation and Federal administration. They are constantly and in an ever-increasing degree looking to the Federal Government for the satisfactory regulation of many of the great questions that have arisen in our society, in our Government, during the last 20 years. I do not believe the House ought to be reduced below what it is now, if it should be reduced below what the committee provides in this bill.

There are many aspects to this question. I have been in the House long enough to know that the demands upon the time and energy of Members have been greatly increased during the last 10 or 12 years, and there is no time in the future, in all probability, when those demands will be less than they are now, but they are more likely to still further increase.

The report of the committee accompanying this bill contains a table showing the membership and the ratio of population to members in the parliamentary bodies of all the great countries in the civilized world, and the ratios in all of them are much less than that in the United States. The only one that approaches the ratio of the United States is the Reichstag, in Germany, where there is 1 member for each 155,546 population. England has a House of Commons with a membership of 670, 1 member for each 61,878 population. Oh, well, it is said that the House of Commons only requires 40 for a quorum. They require only 40 for a quorum, and we require a half of the total membership.

Mr. Chairman, is it true that in the American House of Representatives, where each Member is paid an adequate salary, the question of having enough Members present to constitute a quorum so that we can transact the public business in a constitutional manner has come to be a serious problem? Dare we advertise that fact? Dare we make that fact known throughout the country and throughout our respective districts? What are we here for? What are we paid for? To attend the sessions of the House and participate in the transaction of the public business; and the quorum argument, I submit, will not be a very strong one in the country or among the people.

It must be borne in mind that members of Parliament, members of the House of Commons in England, receive no salary. They are elected and serve purely as a matter of public duty and of honor, and it was altogether proper for them to establish a reasonable quorum provision. I think in the House of Lords it requires only three to do business. But there are differences, I admit, between our Government and the countries abroad in relation to the work of representatives. We should be guided chiefly by conditions here and our own experience in fixing the membership of the House. You must bear this in mind, however, that the experience of all Europe, where the population is dense and representatives may be in close touch with and can readily know the desires and real needs of their constituencies, that the best results can be attained by having large memberships in their popular branches

of the legislature. The average in Europe is about one representative for each 60,000 population, while the proposed bill provides for one Representative for each 211,877 population.

Now, I have said all I care to on the question of membership. I want to submit a few words of explanation of the method which the committee employed. The method used in fixing the apportionment in this bill is different from any that has been used in this country since 1840. It may be styled the "major fraction" method. The last time it was in use was in 1840. In 1850 Congress, in authorizing the taking of the Seventh Census, provided in advance that the membership of the House should be 233, and that after the census of population was taken and certified the Secretary of the Interior should proceed to apportion the 233 Representatives among the States according to a formula contained in the law. That formula required the Secretary of the Interior to divide a total population by 233 in order to get the ratio, and then to divide the population in each State by that ratio, giving each State one Representative for each full ratio of population, and giving the States that had the highest fractions remaining in order of rank additional Representatives until the requisite number was reached.

Under that method States that had major fractions were often denied Representatives for the fractions. Then again, States in other instances were given Representatives for minor fractions, because there would not be enough States with major fractions to make up the requisite number. Under that method arose what is known as the "Alabama paradox." It was in 1850, I believe, that it was discovered that the State of Alabama would lose a Representative by an increase of the aggregate membership of the House on account of the shifting of remainders in changing ratios. That result was called the "Alabama paradox."

I have here the report of the committee accompanying the bill for apportionment under the Twelfth Census. Its tables show that the State of Colorado, under an aggregate membership of 350 in the House, would be entitled to three Representatives; but when the membership was increased to 357 Colorado lost one. The bill reported by the committee fixed the membership of the House at 357, giving Colorado only two Representatives, and the House declined to agree to the bill and worked out a scheme of its own, following the old method, with a different ratio, that left two States, Nebraska and Virginia, with major fractions unrepresented; and they increased the assumed membership by two, so as to provide for those two States and leave none with an unrepresented major fraction. Originally, under the old method, the membership would have been 384 Members, but was increased to 386. The 1850 "Alabama paradox" method had to be modified about every time it was applied to avoid injustice.

Now, the Committee on the Census determined that the plain, old-fashioned way of apportionment of Representatives among the States was the proper method; that the thing to do was to settle upon the ratio of inhabitants to Representatives, and then divide the population in each State by that ratio, and give each State, of course, one Representative for each full ratio of population and each State in addition one Representative for a major fraction.

Mr. KENDALL. That is, a fraction over half?

Mr. CRUMPACKER. Yes; half or more. The major fraction would be over half. That is the method the committee adopted, and I think it is a plainer and simpler and more just plan than the old one.

The reason that the intricate and involved system of 1850 got into our apportionment policy was because Congress undertook to provide in advance for the membership of the House. The Committee on the Census authorized two amendments to the pending bill after the bill was reported. Section 2 of the bill as reported made provision for new States admitted into the Union in a general way. It was afterwards discovered that under the enabling act for the admission of Arizona and New Mexico New Mexico is given two Representatives. It is only entitled to one under the census, and therefore the committee authorized this amendment, which has been printed in the Record and printed in bill form:

Sec. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census they shall have 1 Representative each, and if one of such Territories shall so become a State, such State shall have 1 Representative, which Representative or Representatives shall be in addition to the number 433, as provided in section 1 of this act, and all laws and parts of laws in conflict with this section are to that extent hereby repealed.

The amendment is for the purpose of basing New Mexico's representation upon population if it becomes a State.

Mr. NORRIS. This bill does not do that?

Mr. CRUMPACKER. No; the bill does not include New Mexico at all.

Mr. NORRIS. Does not section 2 cover it?

Mr. CRUMPACKER. It provides that when a new State is admitted to the Union, the Representative or Representatives assigned to it shall be in addition to the number 433, as above provided. There are two Representatives authorized under the enabling act of New Mexico when it should only have one, and we propose to give New Mexico that one Member in place of two.

Mr. HINSHAW. Is not New Mexico entitled to two under your theory of the major fraction?

Mr. CRUMPACKER. No; it is not. Then the committee authorized another section, an independent one, limiting the membership of the House under future censuses.

Mr. DAWSON. If the gentleman will permit, before he leaves the subject of the size of the House, in the event of the admission of New Mexico and Arizona under the bill as proposed, what would be the total membership of the House?

Mr. CRUMPACKER. Four hundred and thirty-five.

Mr. DAWSON. Including those two new States?

Mr. CRUMPACKER. Including those two new States. We make no provision in this bill for those Territories, as they are still Territories, and of course we can not apportion Representatives to them, and in view of the fact the enabling act gives New Mexico two Representatives when she is only entitled to one under the census, the committee feel justified in recommending an amendment to the bill limiting New Mexico's representation to one if she comes into the Union under that act. Now, the other amendment which the committee authorized fixes the membership of the House for the future. I believe if 10 years ago provision of that kind had been made we would have practically little difficulty about the size of the House under the Thirteenth Census. The moral force of legislation of that kind is very great. As I said, of course in 10 years, or at any time, for that matter, the Congress would have the right to repeal any legislation upon the subject that we might enact now.

Mr. PICKETT. Do I understand the gentleman from Indiana to say that if 10 years ago Congress had permanently fixed the membership within those limits he thinks it would have been better?

Mr. CRUMPACKER. No; I do not say it would have been better. I say we would not have much controversy over it now, for the Secretary of Commerce and Labor would probably have had the apportionment made two months ago.

Mr. PICKETT. I inferred that the gentleman would have acquiesced in that number.

Mr. CRUMPACKER. No; I do not mean to say that. I mean to say that the personal or selfish element that constitutes somewhat of a factor in the consideration of this question now would be eliminated because—

Mr. PICKETT. With the elimination of the personal equation you say it would not occur even if the limit is fixed?

Mr. CRUMPACKER. I am not able to estimate how important a factor the personal equation may be, but it would be practically eliminated.

Mr. PICKETT. The point I was after and what I asked the distinguished chairman of the committee is whether he reached the conclusion stated here to the House because of this personal equation or because of the merits of the proposition on the principle of representative government.

Mr. CRUMPACKER. Well, I have been submitting an argument to the House showing what influenced the committee in recommending a House of 433, and I think I made the suggestion that that was the lowest membership that would save all the States, and that the personal question was not altogether without force in influencing the committee in reaching that number. It is true that when you come to increase the membership, for instance, from 391 there is very strong argument against stopping short of 433, a number that will prevent any State from losing a Representative. It would be manifestly unfair to increase the membership 10 or a dozen to provide for three or four important States and leave 10 or 12 other States with losses. The membership ought to be 391 or 433. There is no logical stopping place between those numbers.

In every apportionment since the organization of the Union, with one exception, there has been quite a substantial increase in the membership of the House. In 1840 the membership was 240, and the House passed an apportionment bill fixing the membership at 306 under the Sixth Census, an increase of 66. That bill went to the Senate and was taken up by able and distinguished Senators and criticized, discussed, and debated for 10 days or two weeks. One of the questions then was the constitutionality of assigning Representatives for fractions, major fractions, or any other kind of fractions, and it was seriously

doubted. Mr. Webster in 1832 was the chairman of the Senate Committee on the Census, and he wrote an elaborate report upholding the right of Congress to apportion a Member for a major fraction, but not for a minor fraction. But in 1840 the interests of the cotton-growing States and the slavery question were involved in the discussion, and the Senate, after thorough consideration, concluded that the best results would be obtained by reducing the size of the House and adopting the major-fraction method.

Mr. THOMAS of North Carolina. That reduction was 17 Members?

Mr. CRUMPACKER. Seventeen Members. The Senate reduced the House from 240 to 223. That was 17 below the then existing membership and 83 below what the House decided it ought to be.

Mr. THOMAS of North Carolina. And with that exception there has been no reduction in the membership of the House in any apportionment in the history of the Government?

Mr. CRUMPACKER. The gentleman is correct. There has been no reduction at any other time in the history of the Government. And the House agreed to the Senate amendment at that time and allowed the Senate to fix the membership. I think that is the only instance in the history of this Government when the Senate has undertaken to control the judgment of the House as to what the membership of the House ought to be. In every other instance with which I am familiar the Senate has deferred to the judgment of the House upon that question.

Now, this amendment that I started to discuss provides that in the future following every decennial census the Secretary of Commerce and Labor shall ascertain without delay the total representative population of the country and in the States, respectively, and shall divide the aggregate population by 430, and the quotient shall be the ratio, and then the population of each State—the representative population—shall be divided by that ratio, and each State shall have one Representative for each full ratio of population and another for each major fraction or each fraction equal to or greater than a moiety; none for a fraction below a moiety. It does not fix in absolute terms the membership, like the act of 1850 did, and it employs the method embodied in the proposed bill—the major-fraction method. One House may be three or four above 430, and another may be three or four below, depending on the accident of fractions.

Mr. NORRIS. If the gentleman will permit, if the population of the country would increase as it has been increasing in the past, would it not follow that the membership of the House would always increase under that system?

Mr. CRUMPACKER. No; it could not, because we provide the same divisor to get the ratio, and the ratio would increase in correspondence with the increase in population.

Mr. NORRIS. I see. It might vary a few Members one way or the other?

Mr. CRUMPACKER. Just on the question of fractions.

Mr. COOPER of Wisconsin. Will the gentleman from Indiana [Mr. CRUMPACKER] permit a suggestion right there?

Mr. CRUMPACKER. I will.

Mr. COOPER of Wisconsin. I hold in my hand a copy of Article IV of section 2 of the constitution of the State of Wisconsin, adopted in 1848 and unchanged, although the population of the State has increased by millions since that time:

The number of the members of the assembly—

That is, the lower house of the State legislature—

The number of the members of the assembly shall never be less than 54 nor more than 100. The senate shall consist of a number not more than one-third nor less than one-fourth of the number of the members of the assembly.

We have, and have had for some years, 100 as the membership of the assembly and 33 as the membership of the senate, and although the population has increased enormously, no one has ever thought of having any change in that representation in the State of Wisconsin.

Mr. CRUMPACKER. The force of this provision is unquestioned. While Congress could repeal it, it will most likely stand for decades. If the House should decide on a 391 basis, the divisor in the amendment ought to be cut down to 391 or 400. The amendment was drawn with the view of a House with a membership of 433. If that should become the law, when Congress got ready to take the next census Members would naturally feel that the membership already provided for would be as near right as was practicable, and none of the personal element would enter into the question, for it could not be known in advance what the apportionment would be, and Representatives would not feel called upon to champion the rights of States they represented on the floor in attempting to maintain their existing membership. The element of State pride would not enter into it, because they would not know in advance, they

could not tell in advance, what the result of the census might be, and they would be willing to take "pot luck" with all the States. As soon as the census would be completed the Secretary of Commerce and Labor would proceed without other legislation to make the apportionment and certify the result to the House. I think the provision would stand for decades.

The law of 1850 fixed the membership at 233, and it ran over to 1860, and the Secretary of the Interior apportioned Representatives under the census of 1860 under that law, but Congress added a few Representatives in order to avoid injustices resulting from the "Alabama paradox." The proposed amendment establishes the major-fraction method and eliminates the "Alabama paradox" altogether.

There are some general provisions in the bill relating to the creation of congressional districts by the States, which have been in apportionment laws in recent years, requiring districts to be composed of compact and contiguous territory, and to contain an equal number of inhabitants as far as is practicable. I think it is a good thing to have those provisions in the bill, but my judgment is that they are purely advisory, that they have no force whatever except their moral influence, because I do not believe that Congress has the power to determine how the States shall choose their Representatives, whether at large or by districts; and if by districts, how they shall create the districts.

Mr. ROBINSON. Will the gentleman yield?

Mr. CRUMPACKER. Certainly.

Mr. ROBINSON. Does the gentleman think that under Article I, section 4, of the Constitution, prescribing that as to the time, place, and manner of holding elections for Members of Congress, that it shall be fixed by the legislature of the State, subject to the general control of Congress—does the gentleman think that clause gives to Congress the power to make that sort of a requirement?

Mr. CRUMPACKER. No; I do not. The only language in that provision that could be possibly claimed to apply would be the manner of holding the elections; and that can hardly be construed to give Congress control over the making of congressional districts.

Mr. ROBINSON. Does the gentleman think that under that provision of the Constitution Congress can require Members of Congress from the States to be elected from districts?

Mr. CRUMPACKER. I do not.

Mr. ROBINSON. I desire to state that my understanding is that there are authorities that so hold.

Mr. ELVINS. The authorities are right the other way.

Mr. CRUMPACKER. The gentleman from Missouri [Mr. ELVINS] has a report made some time ago by very able statesmen and lawyers, which holds that Congress has no power to say to the States whether they shall elect Representatives at large or by districts, or what kind of districts they shall make. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. CAMPBELL. Mr. Chairman, at the proper time I shall offer an amendment in the nature of a substitute for the pending bill, with a view of retaining the membership of the House at 391. I should be glad, indeed, if it were possible to do so, to see that number very materially reduced. The House of Representatives has grown from 65 Members up to 391. That growth of the House has not been the result of argument in favor of a more representative body. It is safe to say that every increase made in the House of Representatives has been made to gratify the ambition of a State or of Members of the House rather than keeping in view the fundamental principle of a representative body in this body.

If the personal equation were eliminated at this time, the bill reported by the Committee on the Census would have been for 391 Members or less, rather than for 433. The chairman of the committee, who has just taken his seat, has not offered a single argument in favor of a House of Representatives composed of 433 Members. The committee has reported a bill fixing the House at that number solely because certain States, because of the growth of our population in other States, would lose a Member or Members of this body if the ratio were fixed at 391 Members distributed throughout the country under the census of 1910.

Is, as a matter of fact, 433 a representative body? Does that fix a number that will compose a deliberative, constructive legislative assembly? No one has said so here; no one has argued that the liberties of the people could only be preserved by fixing the membership on ratio, with a membership of 433. The fact is, as everyone here knows, this House has long since ceased to be a calm, deliberative body in which the business of the people of the country can be properly transacted.

This body has become so large that it is unwieldy, and the best efforts of many of the best men in the House have been

expended within the past 20 years to devise some manner by which the House could transact the business in a way that would give all of the Members an opportunity to participate in its deliberations. We spent much time during the last session of this Congress endeavoring to devise rules by which this House should be a deliberative, representative body, giving each of the Members his rights upon this floor.

Mr. AUSTIN. Does the gentleman think under his plan we would get more opportunity for deliberation on the floor than we are now getting?

Mr. CAMPBELL. I think we ought to have a smaller Hall and smaller membership, so we could be closer to each other and have a better opportunity for transacting business in a calm and deliberative manner. Such conditions would bring out the best that is in the Members and give all of them an opportunity to participate in the discussions on this floor.

Mr. KENDALL. I want to ask the gentleman if he thinks it is so important for Members of the House to occupy close relation to each other as it is for a Member of the House to occupy close relations to the people he represents.

Mr. CAMPBELL. No; I think it far more important that he should occupy a close relation to the people he represents, and I think that it is entirely possible to do that with a membership of 300 in this House.

Mr. LANGLEY. Does the gentleman think that we can get in closer touch with the people if we have a smaller membership, and therefore a larger number of people to represent, than if we have a larger membership and consequently a smaller constituency?

Mr. CAMPBELL. Oh, there will be no trouble about Members keeping in touch with their constituents, if they make an effort to do so.

Mr. THOMAS of North Carolina. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. THOMAS of North Carolina. Of course, the gentleman knows that the House of Representatives has provided by resolution for decreasing the size of the Hall by taking out the desks, which will, of course, bring the Members in closer relation with each other and make the acoustics better.

Mr. CAMPBELL. That is true, and will help some.

Mr. GRAHAM of Illinois. Mr. Chairman, I want to get the gentleman's idea about the size of the House. The gentleman said at the beginning of his remarks that if it was left to him, he would reduce the number to below the present membership.

Mr. CAMPBELL. I would.

Mr. GRAHAM of Illinois. I want to get the gentleman's idea of what he thinks that number ought to be.

Mr. CAMPBELL. If I were permitted to fix the membership of this House myself I would put it at less than 300.

Mr. SIMS. And every corporation in the country agrees with the gentleman.

Mr. CAMPBELL. No; it does not. The gentleman from Tennessee knows, as every other man knows, that the larger the body the fewer members run it, and if corporations or other interests want to control any legislation they will control by getting control of the men who run great deliberative bodies. [Applause.] That is the history of legislative bodies throughout the world.

Mr. SIMS. I have not heard of one who wanted to increase the present number.

Mr. BURKE of Pennsylvania. Has the gentleman heard of any that wanted to decrease it?

Mr. LLOYD rose.

Mr. CAMPBELL. Mr. Chairman, I must decline to yield further. No one will say that this House when it contained 65 Members was under the control of bad influences. No one will say that the Continental Congress, composed of less than 65 Members, was controlled by any improper influence. No one will say that the Constitutional Convention, composed of less than 70 members, was under the influence or control of any improper influence.

Mr. GRAHAM of Illinois. Where was the Steel Trust then?

Mr. CAMPBELL. Oh, there were greater influences than the Steel Trust then. There was the British Empire on the other side and British traditions and influences here endeavoring to control the destinies of a free people. That was the issue then, and all was under the control of a small but deliberative body that could transact business, and the business was transacted behind closed doors. But that small deliberative body was not improperly influenced.

Mr. SWASEY. Does the gentleman mean to say that 391 Members here are controlled improperly and illegally?

Mr. CAMPBELL. Oh, no; I say nothing of the kind. I was answering the gentleman from Tennessee, when he said that men

who want to improperly control this body wanted it a smaller body.

Mr. MARTIN of South Dakota. I would like to ask the gentleman a question, if it will not interrupt him.

Mr. CAMPBELL. Very well.

Mr. MARTIN of South Dakota. I should like his view whether under the original apportionment of the House, when the 65 Members each were representing a ratio of 30,000 of population, whether or not there was more representation in those days than it is now.

Mr. CAMPBELL. Well, I am not too sure about that. There were dominations then just as there are now, and the motives of Members were impugned then as they are now, but I will say this to the gentleman from South Dakota, in direct response to his question, it was far more difficult then, with the number of 30,000 as a constituency, than it is to-day for a Member to keep in touch with 400,000.

Mr. LANGLEY. Will the gentleman allow me one more question?

Mr. CAMPBELL. I will.

Mr. LANGLEY. I remember to have read recently an interview purporting to have been given out by the gentleman from Kansas in which he said he was in favor of having an assistant representative, and is that what he has in mind when he says he is in favor of reducing the membership?

Mr. CAMPBELL. Let me say, if the gentleman saw any such interview as that, it was the creation of some news genius, for I never have given out such an interview.

Mr. LANGLEY. I am glad to know that, and I am glad to have the opportunity of giving the gentleman a chance to correct it.

Mr. GRAHAM of Illinois. If such an interview was given out without the authority of the gentleman from Kansas it must have been the work of a genius.

Mr. CAMPBELL. I agree with the gentleman from Illinois. Mr. BORLAND. Mr. Chairman, will the gentleman permit me to ask him a question in line with his argument? I assume, in discussion of the relation of the number of representatives to the people, the gentleman has paid some attention to other constitutional countries.

Mr. CAMPBELL. Oh, yes.

Mr. BORLAND. And he realizes that the British House of Commons has over 600 members.

Mr. CAMPBELL. Yes; 670.

Mr. BORLAND. Elected by a membership of less than 50,000,000 people, and every member of the British House of Commons represents now less than one-half of the number represented by an American Representative in Congress.

Mr. CAMPBELL. Yes. In the first place, a member of the British House of Commons does not have to sustain any sort of close relation with his constituents in order to be a member of the British House of Commons. He does not have, even, to live in the district. He may never have been in the district in order to have an opportunity of representing it.

Mr. SULZER. That is so with us, is it not?

Mr. CAMPBELL. Well, that may be true in New York, but it is not in Kansas.

Mr. SULZER. There is no law against it.

Mr. CAMPBELL. There is an unwritten law that is as firmly entrenched as any part of the Constitution of the United States.

Mr. SULZER. Well, the Constitution itself fixes the matter. Mr. YOUNG of Michigan. Is it not a fact also that 40 is a quorum of the British House of Commons, and the attendance rarely reaches 150, and the members only come in when called?

Mr. KENDALL. I wish the gentleman would discuss the significance of that fact and illustrate it to the House.

Mr. CAMPBELL. The fact is that 40 constitutes a quorum in the British House of Commons for the transaction of general business, and 20 constitutes a quorum for the passage of private bills, and seats are provided for only about 150 members.

Many parliaments are large in number, but no one will contend that any of the large parliaments of the world are as deliberative as was this House when it had less than 300 Members. Let me give you the size of the parliaments of the world and the growth of this House.

These are the world's great parliaments:

| | Membership. |
|--------------------|-------------|
| Canada..... | 214 |
| Japan..... | 369 |
| Germany..... | 396 |
| Spain..... | 406 |
| Russia..... | 442 |
| Italy..... | 508 |
| Austria..... | 516 |
| France..... | 594 |
| Great Britain..... | 670 |

Now, let me give you the growth of this House in 120 years. We began in 1789 with 65 Members and to-day have 391. I give the years, the number of States, the number of Members, and the number of people to the Member:

| Year. | Number of States. | Number of Members. | Population to a Member. |
|-------|-------------------|--------------------|-------------------------|
| 1789 | 13 | 65 | 30,000 |
| 1790 | 15 | 105 | 23,000 |
| 1800 | 16 | 141 | 33,000 |
| 1810 | 17 | 181 | 35,000 |
| 1820 | 24 | 213 | 40,000 |
| 1830 | 24 | 240 | 47,700 |
| 1840 | 26 | 223 | 70,680 |
| 1850 | 32 | 234 | 93,423 |
| 1860 | 34 | 243 | 127,881 |
| 1870 | 37 | 293 | 131,425 |
| 1880 | 38 | 325 | 151,913 |
| 1890 | 44 | 356 | 173,901 |
| 1900 | 45 | 386 | 193,175 |

Our Representatives guided us through the War for Independence, the War of 1812, the Mexican War, and the War for the Suppression of the Rebellion with a membership that ranged from 65 to 243. There was no fault found then with the House rules. Every Member was able to participate in the deliberations of the House.

Mr. COOPER of Wisconsin. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL. Yes.

Mr. COOPER of Wisconsin. Gentlemen have asked the gentleman from Kansas about the ability of a Member to represent 100,000 or 300,000 people. Would it not be well to define the word "represent?" Daniel Webster represented all the people of Massachusetts. Did not he represent all of the people of Massachusetts as efficiently as any member of the Legislature of Massachusetts represented his own little legislative district?

Mr. CAMPBELL. That is entirely true.

Mr. COOPER of Wisconsin. Now, when it comes to distributing seats, it is a little more difficult to "represent" 400,000 constituents than it is to "represent" 200,000. But if we talk about great general principles and of the duties of statesmanship, principles and duties which concern all the people alike, whether 5,000 or 100,000, it is of vast importance that Representatives shall have an opportunity to deliberate. But with every increase in the number of Representatives the opportunity for proper consideration of subjects before the House is correspondingly diminished. As the House grows larger it grows weaker as a real legislative body.

Mr. CAMPBELL. Mr. Chairman, I must proceed.

The CHAIRMAN. The gentleman declines to yield.

Mr. CAMPBELL. The size of the British House of Commons is often referred to, and the necessity for a large membership in that country is based upon an entirely different reason from any that exists in this country. In the first place, the House of Commons legislates for the whole of the British people. They have no local legislatures. They have no municipal governments that legislate for them. The British House of Commons legislates for all the municipalities, both in England, in Scotland, and in Ireland. That possibly is one of the reasons for the very large membership in that Parliament. And I will submit that when the American House of Representatives had from 65 to 150, 180, and 200 members, it was a vastly superior legislative body to the British House of Commons with its 580 members at that time. It has 670 members now; in those days it had a little less than 600.

This is a very practical question. The gentleman from Tennessee [Mr. Sims] a moment ago intimated in a question that as a small body the House of Representatives would be easily controlled by some corporation, I think, he said.

Mr. SIMS. I just mentioned them all. I did not mention one.

Mr. CAMPBELL. The Federalist contains an article by James Madison, or probably Hamilton, on the House of Representatives, in which this language is used:

One observation, however, I must be permitted to add on this subject as claiming, in my judgment, a very serious attention. It is, that in all legislative assemblies the greater the number composing them may be, the fewer will be the men who will in fact direct their proceedings. In the first place, the more numerous an assembly may be, of whatever characters composed, the greater is known to be the ascendancy of passion over reason. In the next place, the larger the number, the greater will be the proportion of members of limited information and of weak capacities.

Mr. SIMS. Why not cut it down to two for each State?

Mr. CAMPBELL. There are States here that are mighty well represented by two Members.

Mr. Madison says further:

Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force. In the ancient republics, where the whole body of the people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway as if a sceptre had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning, and passion the slave of sophistry and declamation.

That is from James Madison.

Mr. SIMS. May I ask the gentleman from Kansas a question right there?

Mr. CAMPBELL. Yes.

Mr. SIMS. Is it not a fact that the belief, whether it is true or not, is that on account of the smallness of the other body great interests have a greater control there, and that that is the foundation for the demand to-day to elect Senators by direct vote of the people?

Mr. CAMPBELL. I do not think the size of the Senate has had anything to do with it. When the Senate was a much smaller body than it is to-day the same kind of talk was indulged in as is indulged in now.

Mr. SIMS. To change the Constitution and elect them by direct vote of the people?

Mr. CAMPBELL. There has been talk of changing the Constitution as far back as I can remember.

Mr. SIMS. You ought to read the speech that Senator Root made the other day, and see what he says about it.

Mr. CAMPBELL. When this House contained but 240 Members, this was said by a Representative named Underwood. Debates were then reported as in the third person. He said:

He believed that less than half the present Members of the House could do more business and do it better than the existing number. He deprecated any large increase in the Members tending toward a mob government, by confusion, crowding like cocks, braying like asses, shuffling with feet, coughing, and other similar expedients now pursued in the House of Commons in England.

Mr. RUCKER of Missouri. Does the gentleman indorse that?

Mr. CAMPBELL. I have read a portion of a speech made by a gentleman by the name of Underwood, delivered on the 22d day of April, 1842.

Mr. TAWNEY. Does the gentleman from Kansas know what the average attendance is in the House of Commons? And is it not a fact that 40 members in that body constitute a quorum for the transaction of business?

Mr. CAMPBELL. Forty constitutes a quorum for the transaction of general business and 20 for other business.

Mr. PICKETT. And is it not a fact that they have only provided seats for one-half of the members of the house?

Mr. CAMPBELL. They have seats for less than one-third of the members. When I visited the House of Commons a most important question was under consideration, and there were just 125 members present. I was told by a member that there were not to exceed one-third of the members of Parliament in the city.

Mr. PICKETT. The gentleman from Ohio [Mr. KEIFER], who has visited the House of Commons, says that they have a seating capacity for practically only one-fourth of the total membership.

Mr. CAMPBELL. Oh, I have no doubt that is true; the members do not attend.

Mr. SWASEY. They would not attend, either, in this House if they did not get any salary. [Laughter.]

Mr. CAMPBELL. When this House had 240 Members, Mr. Potter spoke as follows:

We have now a House composed of 240 Members. Can anybody speak here so as to be heard throughout the Hall?—

I could have taken this speech literally and applied it to the House to-day.

Mr. KENDALL. Who was Mr. Potter?

Mr. CAMPBELL. He was a Member of Congress from Ohio.

We have now a House composed of 240 Members. Can anybody speak here so as to be heard throughout the Hall? Can business be dispatched in a deliberative tone of voice or manner? When a man begins to speak in this House he has to raise his voice and shout with all his might, and presently he is obliged to thrash about with his arms in order to supply his lungs with the necessary blood to keep up the volume of voice required. Next he gets excited and violent, and thus it results that the legislation of one of the most powerful bodies in the world is connected with more apparent violence, with less deliberation, and with less creditable manner than that of perhaps any other civilized country. Why, sir, legislation like that of this body, which affects the gravest rights of the people, ought to be carried on in a deliberative manner; ought to be conducted, if possible, in a conversational tone of voice. In the House of Commons, with its 650 members, 40 constitute a quorum for general business and 20 for private bills. The members nestle around in a little space in front of the speaker, and nobody has to raise his voice greatly to be heard. While in this House, in which by constitutional provision a quorum must always be

at least a majority of the whole House, in order to command any attention beyond those who immediately surround us, we are, on the other hand, obliged to shout until we make an exhibition of ourselves, creditable neither to us nor to the legislation of the country; and yet it is proposed for the next 10 years to still further increase these embarrassments to wise legislation.

That speech was made when there were only 240 Members, in 1871. To-day we are proposing to increase the number from 391 to 433. Why? Because some States will lose a Member or two Members, because it endangers the seats of some Members in this House. I submit to gentlemen here that deliberation in the House of Representatives is of vastly greater importance to the country and the general welfare of the people than that a State should not suffer the loss of a Member, or that a Member of this House should not, perchance, lose an opportunity of returning here on account of the number of Representatives from his State being reduced.

The amendment that I shall offer will reduce the number of Members from my State from eight to seven. I do not know who it will affect. There are eight of us here, and there will be eight of us in the Sixty-second Congress. Which one shall lose his seat here is a matter of little importance to the people of this Republic and to the people of Kansas. But it is important that the growth of the House of Representatives should stop somewhere in order that it may retain some semblance of being a deliberative body.

Mr. SIMS. Which means to stop the growth of popular government.

Mr. CAMPBELL. Which means the preservation of popular government. The nearer you approach to a mass convention the nearer you come to mob government. Representative government is on trial in this country. The deliberations of a representative body is a test of representative government. I have seen the gentleman from Tennessee, who interrupted me without asking my permission, blue in the face attempting to make himself heard by all the Members who chanced to be in their seats in this House. I have on numerous occasions been afraid that the gentleman would suffer from apoplexy in his efforts to be heard in the House.

Mr. SIMS. Now, with the permission of the gentleman, I would like to ask him a question and apologize for breaking in before.

Mr. CAMPBELL. I will yield to the gentleman.

Mr. SIMS. Does my friend from Kansas think that the blessings of liberty ought to be compared with the efforts of a man's voice making him blue in the face and bellowing like a bull?

Mr. CAMPBELL. I did not characterize the speeches of the gentleman from Tennessee as the bellowing of a bull. I would not have been so unkind to the gentleman as to have made that statement, but I do not regard the increase of the House of Representatives as essential to the preservation of the liberties of the people. I do regard it absolutely necessary to representative government in this country that there shall be a stop put to the growth of the House of Representatives so that it shall be a deliberative representative body, in which all the Members may participate and be heard without making violent physical effort.

Mr. SIMS. We have been growing all the time; why not keep it up?

Mr. CAMPBELL. That has been the argument that has been made for a century in behalf, not of liberty, not of representative government, but of States that were about to lose a Member of Congress or of gentlemen who stood a chance of losing their seats in this House.

Mr. GUERNSEY. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman.

Mr. GUERNSEY. I understand the position of the gentleman, and I would inquire why he has not offered an amendment to reduce the membership of this House rather than to retain it at 391?

Mr. CAMPBELL. Mr. Chairman, I have always tried to do what I had a chance of accomplishing. If I could win with a membership in this House of 250 Members, I would offer that amendment, but I know that has no chance. That would put more States than the State of Maine in the catalogue of those that would lose Members. That would create opposition that I trust will not line itself up against the proposition to keep the House of Representatives at 391, as it is to-day.

Mr. COOPER of Wisconsin. Mr. Chairman, I will ask the gentleman from Kansas if he will yield to me for a moment?

Mr. CAMPBELL. Yes.

Mr. COOPER of Wisconsin. I would like to answer the suggestion offered by the gentleman from Tennessee [Mr. Sims]. I think I can give an answer to his suggestion.

Mr. SIMS. Which concedes that the gentleman from Kansas has not done so.

Mr. COOPER of Wisconsin. The gentleman from Tennessee plainly intimated that, in his judgment, as the growth of the population of the country increases there should be a corresponding growth in the size of this House. His suggestion was, in effect, that the larger the House the better the people would be represented.

I have a complete answer to that. In 1848, when Wisconsin adopted its constitution and became a State, its population was small. Article IV, section 2, of that constitution provides that never should the assembly—the lower house of the State legislature—have more than 100 members, and that never should the State senate have more than one-third as many members as the assembly. That article of the constitution has remained unchanged. Never has there been a serious suggestion in Wisconsin to amend the constitution and to increase the membership of either house. The State senate has 33 and the assembly 100 members. Nor has there ever been a suggestion made by any man or any party that the people of Wisconsin to-day are not as well represented in their State legislature as were their predecessors when the constitution was adopted, and this notwithstanding the fact that the population of the State has increased by millions, as has correspondingly the ratio of representation.

Mr. SIMS. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. CAMPBELL. Just for a question.

Mr. SIMS. I wanted to reply to what the gentleman said.

Mr. CAMPBELL. Oh, the gentleman will have time of his own.

Mr. SIMS. Well, if I can have time, very well.

Mr. COLE. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL. Just a short one.

Mr. COLE. Is it not a fact that some of the most able and efficient Members of this House represent to-day much more than 235,000 people?

Mr. CAMPBELL. Oh, yes; I think that is true. I find that the gentleman from Tennessee [Mr. Sims] represents 180,937 people. I am told that the gentleman from New York [Mr. SULZER] represents 258,000 people. I have been representing about 320,000 people for the past five years, and I am not objecting to it. I am perfectly willing to add 100,000 more.

Mr. SIMS. Then the gentleman is only afraid that my district will not be properly represented?

Mr. CAMPBELL. Not at all. I concede that the gentleman from Tennessee is perfectly qualified to represent 500,000 instead of 180,000.

Mr. NYE. Permit me to say to the gentleman from Kansas that my district has 334,000 people in it.

Mr. CAMPBELL. And no one complains that the district represented by the gentleman from Minnesota is not well represented.

Mr. CLARK of Florida. Mr. Chairman, I would like to hear the gentleman address himself to this aspect of the case: Does not the gentleman believe that if the Hall is contracted as proposed, the desks removed and benches put in their stead, Members thereby being drawn closer together, that a Member will have no difficulty in making 433 men hear him?

Mr. CAMPBELL. I doubt the ability of any architect to fix this or any other hall so that the Members can in a deliberative manner, without using altogether too much physical force, make 433 or 435 men, as the case will be if this bill should pass, hear him.

Mr. Chairman, the question of expense is a matter of minor importance in this connection, as compared with the other and more important question that I have raised here.

But we must not lose sight of the fact that we are proposing by this bill reported by the committee to increase the annual expenses of the House of Representatives, in round numbers, \$1,000,000.

Mr. ALEXANDER of Missouri. Will the gentleman please state of what that estimate of \$1,000,000 consists? As I figure, the increase in the salaries would be \$315,000; mileage, taking an average of \$500 to each Member, would be \$21,000; clerk hire, \$63,000; stationery account, \$5,250; franking privilege, estimating the average to be \$500 for each Member, would be \$21,000, or \$435,000. Now, taking into consideration the item of the cost of heating and lighting and furnishing for the rooms, janitors, and so forth, it would not bring it to above \$500,000.

Mr. CAMPBELL. I only yielded for a question, but I will answer the gentleman. Salaries would amount to \$315,000. That is no small sum of money; that is, it is no small amount of money out in my country.

Mr. ALEXANDER of Missouri. I was simply challenging the gentleman's statement that it will cost \$1,000,000.

Mr. CAMPBELL. The salaries are the small part of the expense. Then adding to that 42 secretaries, at \$1,500 a year, makes \$63,000; stationery allowance, \$5,250; mileage, \$35,000; increased franking privilege—that nobody knows and it can only be estimated—and it is safe to say it will be in the neighborhood of \$250,000 or \$300,000.

Mr. SABATH. Will the gentleman permit me a question?

Mr. CAMPBELL. Yes.

Mr. SABATH. How would that increase the franking privilege at all?

Mr. CAMPBELL. As you increase the number of men who use the franking privilege you increase the expense.

Mr. SABATH. Are the present Members overlooking anybody in sending out seeds and documents? [Laughter.]

Mr. CAMPBELL. Probably not.

Mr. SABATH. Then how can you increase it?

Mr. CAMPBELL. I doubt, however, if the franking privilege is used to the extent it would be if there were 435 Members in this House.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 18 minutes remaining.

Mr. CAMPBELL. I did not intend to consume so much time. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT] and reserve the balance of my time.

Mr. GILLETT. Mr. Chairman, that the House is already too large for the orderly conduct of business everyone will admit. And those who were here at the time of the last apportionment and remember how that bill was carried by a system of selfish bargaining and logrolling will not pretend that it was a regard for the public interest which caused the increase then. So now the pride of certain States and the selfish interest of certain Members demand another increase, thereby increasing our infirmity. But I can not feel that local advantage ought to blind Members to the larger considerations, and it seems to me it is greatly to the advantage of this House and of the country that the membership should be no greater. There is a general complaint now of the powerlessness of the individual Member, and yet every increase of membership increases that impotence, compels the adoption of drastic rules, and lodges power in the hands of a few. The larger the body the more necessary and inevitable is strict discipline, rigid rules, obedience to leaders, and centralization of power.

Two arguments are made for an increase. One is that the English Parliament is larger. That only illustrates the inevitable result of a large House, for power there is concentrated in the ministry and the rest of the House has little initiative or responsibility except to support or oppose the ministerial program. That is the very tendency here against which public opinion has been so violently agitated, and which necessarily grows with the size of the body.

The other argument made is that the Representative should be in close touch with his district, and if it was larger he could not so well know its wishes. The routine personal work of a Congressman is immense; to his political success it is of great importance; but it would be better for the country if more of that was left to our clerks, so that we could devote our thought to the problems of legislation and not so much to making ourselves popular with our constituents. I think Congress to-day tends too much to become a mere echo of public opinion, to vote for what is popular and not for what is best. Edmund Burke's famous declaration to his constituents is as true now as it was 130 years ago:

I was not to look to the flash of the day. I know that you chose me to be a pillar of the state and not a weathercock on the top of the edifice, exalted for my levity and versatility, and of no use but to indicate the shiftings of every fashionable gale.

The weakness of the American Congress to-day is not that it does not heed public opinion, but that it is too timidly, servilely, selfishly subservient to public opinion; that it does not attempt to lead and instruct, but is contented to always follow and obey. That may be wisest for the individual legislator, but it is bad for legislation. The theory of representative government is that the people elect men wiser than the average to represent them, and that legislation is determined by their joint wisdom, and then they convince their constituents of the justice of their conclusions.

Now, too often their wisdom is exercised in guessing what will be most popular with their constituents and legislating accordingly. I think the danger to-day is not that the Representative will know his district too little and be governed too little by the popular wish, but that he will follow it too exclusively and subserviently. Of course the will of the people always should and will ultimately govern, but it should be their thoughtful, deliberate will, not every temporary impulse.

I think an increase in the membership will increase our worst faults and tendencies, and that the House should never be larger than it is to-day. I would gladly vote for a reduction in the size if there were any possibility of its success. The enormous expense, direct and indirect, necessarily involved in the increase is another strong argument against it, which, however, has been already amply expressed.

Mr. CAMPBELL. Mr. Chairman, I yield six and one-half minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman, what I am about to say relative to the favorably reported bill which contemplates the increase of membership of the House from 391 to an ultimate of 435 shall be done in a spirit of justice and liberality as broad as my most earnest sense of fairness will permit. I have no desire to carp nor to pose as a critic, but rather to counsel with your own good judgments as to the propriety or the impropriety of enacting this bill into law. This is a question of great importance, affecting as it does national public welfare, and as such it deserves more than passing or political consideration.

The bill proposes a ratio of 211,877 population to each congressional district, and that we may have a fair understanding at the beginning, this ratio will increase the number of Congressmen in 22 States of the Union and leave the number of Representatives the same as now in the other 24. The increase by States is as follows: Alabama, 1; Florida, 1; Georgia, 1; Louisiana, 1; Oklahoma, 3; Texas, 2; West Virginia, 1; Idaho, 1; California, 3; Colorado, 1; Illinois, 2; Massachusetts, 2; Michigan, 1; Minnesota, 1; Montana, 1; New Jersey, 2; New York, 6; Ohio, 1; Oregon, 1; Pennsylvania, 4; South Dakota, 1; North Dakota, 1; Rhode Island, 1; Utah, 1; and Washington, 2. Also the new States of New Mexico and Arizona will add one each, making a grand total of 44.

I am opposed to the passage of the bill, and I will tell you why. Of course, I am liberal enough to concede that there are some arguments in favor of such legislation, but that there are stronger reasons against it would be admitted by every Member of this House if he would barken to the demand of duty rather than to the call of political expediency. That an increased membership would be highly acceptable to ambitious and probably worthy politicians in every State in the Union is true, but that the present membership of the House is so large already we are in each other's way in the prompt dispatch of important public business is equally manifest.

This question of changing representation in the House every 10 years is almost as old as Congress itself. We have had several changes of ratio systems of representation of voters, occasioned by changes of both Constitution and statutory enactments, but these are mere matters of history and have little bearing on the question of ratio representation of to-day. At every census-taking period, I understand, the number of Representatives in the House has been increased, except in 1840, when it was reduced from 242 to 232. In 1850 the number was fixed at 237, in 1860 at 243, but in the 1870 apportionment it was increased 50 Members, 39 more in 1880, 25 more in 1890, and 34 more in 1900, making a total of the present membership of 391. None of these apportionments were based on Congressmen representing exactly the same number of people as fixed by any previous enactment, and so the question of ratio has been a varying one, the essentials of efficiency, convenience, and economy of the numerical size of the House being the main considerations.

It is with pleasure that I refer to an opinion of that great jurist, Judge Cooley, in which he admonished all Americans to remember that Members of Congress, although elected by the people, are not in consequence compelled to receive instructions from their constituents. Each Member is supposed to use his own best judgment on any question, and, like a member of the English House of Commons, ask, What is for the good of the Nation?

Speaking directly on this question, Judge Cooley says, on pages 41 and 42 in his Principles of Constitutional Law:

Congressmen's own immediate constituents have no more right than the rest of the Nation to address them through the press, to appeal to them by petition, or to have their local interests selfishly considered by them in legislation. They bring with them their knowledge of local wants, sentiments, and opinions, and may enlighten Congress respecting these, and thereby aid all Members to act wisely in matters which affect the whole country, but the moral obligation to consider the interest of one part of the country as much as that of another and to legislate with a view to the best interests of all is obligatory upon every Member, and no one can be relieved from this obligation by instructions from any source.

And away back in 1842, in a memorable debate in Congress which ended in a decision to reduce the membership of the House, that learned statesman, John C. Calhoun, declared it to

be his belief that the expedient of enlarging the House of Representatives, instead of increasing its weight and giving it respectability, would have a contrary tendency. At the time, he said, when the House consisted of not more than 140 Members it was as orderly as the Senate in its legislative proceedings; and it was the opinion of the most intelligent men with whom he had conversed upon this subject that every increase of its numbers produced only a deterioration. By its increase business must be protracted and the sessions drawn out to such an intolerable length as to be a reasonable cause for complaint from waiting interests. Also, it was admitted to be a great mistake to suppose that local interests were to be represented in detail in the House. These details were taken care of in the State legislatures. It would be wholly out of place to introduce local influences into a National Legislature intended to represent the people collectively in reference to matters of national import or affecting the interests of States in a national capacity.

True, it should be a necessary qualification of a Congressman that he be in close touch with the interests and needs of the people of the district he represents, but his oath of allegiance to duty requires of him that he shall represent the cause of his people in the Committee of the Whole on the common cause of the Nation.

But the argument for an increased membership always has been, and is now, based on the premise that in order to serve efficiently his constituents a Congressman should represent a limited number, so he may be familiar with their local needs, their wants of Government service, and promptly heed requirements in all such matters. In its proper analysis this is no reason at all for an enlarged membership of the House. The fact must be apparent to all who will give existing conditions comparison with the past, that a Congressman of this day and age can keep in touch with 100 constituents more promptly and more conveniently than he could with 10 under conditions of 20 years ago. Present-day means of communication and the facilities afforded Congressmen explode every argument in favor of an increased number of Representatives. Twenty years ago the mail, telegraph, and telephone facilities were nothing as compared with those of to-day. Now, a Congressman has, or soon will have, daily mail service to practically every one of his constituents. He has telephone communication not only to city residents, but to progressive farm homes as well. He has telegraph service to every town and hamlet in the country. He has newspapers at almost every neighborhood center advising him of public opinion there. He has railroad and interurban electric train service threading a network of transportation facilities throughout the country, and he has good roads and automobiles whereby he may be rapidly transported among his constituents. He has more than this. He has a new and convenient Office Building in Washington, equipped with all modern conveniences for the prompt dispatch of business. He has a Government-paid clerk to do his clerical work by the rapid process of stenography, typewriting, and reproducing. He has at his service labor-saving devices for mailing letters and parcels, and his salary has been increased to an amount sufficient to induce the most systematic, efficient, and successful of men to serve their country in Congress.

Another feature of the lessening of Congressmen's duties might consistently be cited in the adjustment of the soldier pension question by reason of prospective legislation that will satisfy the needs of the deserving soldiery and relieve Congressmen of a great deal of this official attention which now requires most of their time. And, furthermore, the legislative needs of our country are not so numerous as they were in other years before we had our great questions of public domain, mail facility, transportation, interstate commerce, navigation, and so forth, practically settled on a basis that will need but casual attention hereafter in order to keep step with the progress of the ages. Indeed, many of the questions that formerly concerned Congress are now settled by specially delegated courts and commissions, and over and above all is the crying and just demand of the country that we have less legislation and what we do have shall be more carefully and judiciously written and more specifically stated, to the end that the country may have relief from all sorts of legislation on all sorts of questions. Also that such laws as are enacted or amended may be so succinctly set forth that the proverbial "Philadelphia lawyer" will not be necessary to constantly interpret our general laws and enlighten the country, through court decisions, as to whether the new laws enacted from year to year by Congress are what they seem to be, improvements for public weal, or "jokers" designed to help some individual or interest at the expense of public woe. Why, sirs, we have some 27,000 bills introduced in one term of Congress now, and if we increase the membership this already ridiculously large and incomprehen-

sible volume of bills will increase proportionately; a condition unwarranted and demoralizing.

In the light of my present information and experience, I believe it would be much better for the general peace, prosperity, and progress of the country that we have a modest number of Congressmen impartially assigned to committees, so all, instead of a few, shall have responsibility in considering bills, rather than an unwieldy throng, inducing haphazard procedure in Congress similar to a town meeting. It is the unquestioned verdict of world-wide experience that in unduly large bodies confusion and disorder retard concentration of purpose and unity of action necessary to clear and just results. Many of us now represent a much larger number of people than this proposed apportionment provides. Would such be more efficient in a larger Congress, numerically, representing fewer constituents?

But there is another important consideration of public concern. It is that of increased public expense. The officers of the House of Representatives say the proposed increase in membership will cost, all things considered, a half to three-quarters of a million dollars a year more than the present membership, to say nothing of the necessity of enlarging the present capacity of the House Chamber at an already estimated expense of \$350,000, and another \$50,000 for additional office and committee room equipment. Furthermore, an increased membership will surely mean more home projects and more home interests for each Member to exploit, and that will induce more appropriations and incidental increase of Government expenses. Not all Members of this body, but most of them, are willing to get as much for their home districts as they can, and the more Members the more money will be needed to satisfy increased demand that would naturally follow an enlarged membership.

True, some other nations of the world have larger memberships of their national legislatures than the United States, but no one here will claim that they do more efficient legislative work than we. Besides, most all such give less time and receive lower compensation than we, and in most of these larger bodies the district legislation done in our States is incumbent on the Members of the national body.

What are we hearing from home relative to this bill? Has there been public or private demand for increasing the number of Congressmen? I have had no such information. But I will tell you what I have heard—universal expression against it, regardless of politics. The press of my home district and of my home State is saying something like this: The only argument in favor of a larger House is the ambition of the politicians who hope to become Members of it. But this ought to be an argument against it. To the people of Indiana it makes little difference whether the State has 10 Congressmen or 15. But it does make a vast difference to them and to the Nation at large whether the House of Representatives is of size so unwieldy that it can accomplish nothing, but becomes simply the cumbersome instrument of a few crafty leaders. They say, too, that two things are essential in public officials—direct responsibility for what is done or left undone and personal accountability to constituents. In a large body like even the present Congress the responsibility is so scattered and confused that it is hard to be fixed, and only in cases of conspicuous betrayal of their interests do the voters hold their Congressmen to personal accountability.

Some newspaper opinion of the country goes even further than this. One press gallery observer has declared that Congressmen are already so crowded on the floor of the House that they string each other on their arms when they speak, and another facetiously observes that if we keep on increasing the membership Congressmen will soon be as common as policemen and Washington may mistakenly use them as hitching posts.

The independent press and the independent voter are unitedly opposed to more complications and more political machine possibility in legislation. And year after year this influence is growing more and more potent. The composite demand of the age is that we have more business and less politics in Government, and the popular and helpful injunction that has builded for individual usefulness and greatness is being paraphrased for public servants into these significant words, "Unto thine own duty be true; and it must follow as the night the day thou canst not then be false to any man."

If we will avoid all partisan and personal motives in the consideration of this bill, we can amend it, in point of excessive numbers, satisfactory to the best interests of the country, and pass it in time that the State legislatures concerned may act on its requirements before the close of regular sessions and thus save special-session inconvenience and expense in many States. This is our duty, and we should discharge it patriotically.

One thing more and I am done. I appreciate the fact that a good many of my esteemed colleagues on my side of the House gravely apprehend that our political opponents have a partisan purpose in refusing to stand by the Crumpacker or committee bill, which provides for an increase, and that especially some leading Democrats may suffer temporary defeat as the result of the action of a governor who would juggle with the good intentions of those who favor retaining the present numerical size of the House. Of course I do not profess to be on familiar terms with sister State politics, but I will tell you what I believe. If a bill passes which will reduce the House membership from any State, and the governor of such State should attempt to play unfair politics with the situation, the sense of fair play now prevalent among American freemen would give the Democrats of that State a majority so large in the next election that no future governor would ever belittle his high calling by taking a political advantage of a condition that the best interests of the country demand. The people of this land are insisting on fair play and they are going to have it, any and all political tricks or schemes to the contrary notwithstanding.

Mr. GOULDEN. Mr. Chairman, the bill under discussion, providing for the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census, is one of great importance to the people of this country.

In 1890 the ratio was 194,182, giving 391 Members, including the Territories and the insular possessions. The proposed measure fixes the ratio at 211,877, increasing the number to 433, an increase of 42. After carefully considering the whole question, I shall favor the bill unanimously reported by the Committee on the Census.

The eighteenth New York, which I have had the honor to represent for eight years, when it was for the first time made a separate district, is to-day the largest in the country, having a population of more than half a million.

It is composed of the great and growing borough of the Bronx, whose population, according to the late census, was 431,000, with all of the northeastern portion of Harlem, with upward of 100,000 people.

The Bronx, the northern portion of the imperial city of New York, during the last 10 years shows the following results in a substantial way: Building operations, 1901 to 1910, \$240,000,000; value of taxable real estate, 1900, \$138,500,000; value of taxable real estate, 1911, \$593,757,919.

This borough, no matter what ratio the Congress adopts, will be entitled to two Representatives, so that I am not personally interested in the question of numbers. The State of New York will gain six under the committee bill, which seems to be a good thing for the State. Under this measure no State will lose a Member, and those States that have largely added to their population in the last 10 years will gain Members.

As the Congressmen are elected every two years, thus coming fresh from the people and being obliged to return to their constituents at the end of that time for approval of the country, in my judgment 211,877 is a sufficient number of people for one man to represent. I believe that he can do better work and more satisfactory to the country. All things considered, I shall vote for the committee's measure of 433.

Mr. SULZER. Mr. Chairman, as a believer in representative government I shall vote to give the people more representation in the Congress of the United States—the greatest parliamentary body in all the civilized world. My answer to the critics of representative government is more representative government. My reply to the foes of democracy is more democracy. Hence I shall vote against the bill limiting the membership in the House of Representatives to 391, and in favor of the bill to increase the membership to 433, duly apportioned among the States in accordance with population.

This is a government of the people, and the House of Representatives should be close to the people and responsive to their will. With a membership of 433 it will not be too large. Great Britain has 670 members in the House of Commons, with a population of about 40,000,000; Austria has 516 members in the lower house, with a population of about 26,000,000; France has 584 members in the Chamber of Deputies, with a population of about 39,000,000; Germany has 397 members in the Reichstag, with a population of about 60,000,000. It will be seen, therefore, that in the densely populated countries of Europe, where representatives have less difficulty in ascertaining local, industrial, social, and political conditions, the ratio of population is much smaller than it is in the United States.

The bill I advocate fixes the membership of the House from and after the 3d day of March, 1913, at 433, and provides that if any new State shall be admitted into the Union the Representative or Representatives assigned to such State shall be in addition to that number. The ratio of population to Repre-

sentatives is fixed at 211,877. The ratio under the apportionment act following the Twelfth Census was 194,182, so that the average district under the bill I am discussing will contain 17,695 more inhabitants than were contained in the average congressional district under the act of 1901.

There has been an increase in the membership of the House of Representatives under every census but one since the organization of the Government. Then the Senate controlled the matter for the first and only time. That apportionment following the Sixth Census, in 1840, reduced the membership 17, but this was, as I said, accomplished by the Senate. The increase has not been in proportion to the population, but has been an average of about 50 per cent thereof. This increase is justifiable in a republic of the people in the judgment of every friend of representative government.

It is my conviction that an increase of 42 Members will not materially change the character of the House as a deliberative body. The House was created for the purpose of making laws to meet the needs and desires of the people. It is true in a smaller House the individual importance of Members would be increased. Each Member would have relatively a larger influence, but it does not follow that increasing the individual power and responsibilities of Members would result in a better representative body, with higher capacity for the performance of its constitutional duties. Therefore I concur with those who believe that a membership of 433 for the next decade will come nearer meeting the requirements of the country, viewed from all aspects, than a smaller membership. It will not be so large as to appreciably affect its ability to perform its work, and it will be sufficiently representative to meet the spirit of representative government.

Of course I am conscious that many discerning citizens believe the present membership of the House is too large, and that any substantial increase would result in augmenting the difficulties of securing intelligent and deliberate action in relation to legislation. It must be kept in mind, however, that the House was intended to be a representative body. It is supposed to reflect as nearly as possible the feelings and the convictions of the people of the country. This Republic is vast in area, diversified in climate, wonderful in resources, great in products, and most matters of general legislation are the result of the composite will and desire of the whole people. In order that Representatives may be in touch with their constituents and know how they feel and what their real needs may be, congressional districts should not be too large in either population or area. The work of Representatives in Congress has materially increased during the last two decades. The people of the country are yearly coming in closer touch with Federal legislation and administration, and are looking in a constantly increasing degree to the General Government for the proper regulation of the affairs of the country. The work of Congress as a whole has been greatly extended, and has gone into new fields of legislation in recent years, so that the labors and responsibilities of Representatives have so increased that it would be unwise, in my judgment, to decrease representation and still further add to the labors and responsibilities of Members.

Under the provisions of this bill the State of New York will gain six additional Representatives. In other words, New York now has 37 Representatives in Congress. If this bill becomes a law, New York will have 43 Members in the Sixty-third Congress. I am with the people and for the people. I can not bring my loyalty to their interests to the support of any measure that will deprive the people of my State of this increase of representation in the Congress of the United States.

Mr. Chairman, just a few words about another matter closely associated with the question now under consideration. I am opposed to delegating away the rights of the people, and where they have been delegated away I would restore them to the people. I trust the people, and I believe in the people. I believe that all governments derive their just powers from the consent of the governed, and hence I want to restore to the people the right now delegated to the legislatures by the framers of the Constitution, so that the Senators as well as Members of Congress shall be elected directly by the people, and the Government thus become more and more a representative democracy, where brains, fitness, honesty, ability, experience, and capacity, and not wealth and subserviency, shall be the true qualifications for both branches of the Federal Legislature.

The people all over this country now demand this much-needed change in the Federal Constitution, so that they can vote directly for Senators in Congress, and they appeal to us to enact this law to give them that right. It is not a partisan question, neither is it a sectional issue. The demand reaches us from all parts of the land and from men in all political

parties with a degree of unanimity that is quite surprising. It is our duty to respect the wishes of the people and to give them a uniform law allowing them to vote for Senators in Congress just the same as they now vote for Representatives in Congress.

Mr. Chairman, ever since I have been a Member of this House—for nearly 16 years—I have advocated and worked faithfully to bring about the election of Senators in Congress by the direct vote of the people. In every Congress in which I have served I have introduced a joint resolution to amend the Constitution to enact into law this most desirable reform, and the record will show that I have done everything in my power, in Congress and out of Congress, to secure its accomplishment.

Without any vanity I can justly say that I am the author of this reform. On several occasions my resolution has passed the House, only to fail in the Senate, because the Senate would never allow the question to come to a vote. However, it is just as sure to be written into our Constitution, sooner or later, as the sun is to rise to-morrow.

The right to elect United States Senators by a direct vote of the people is a step in advance and in the right direction. I hope it will speedily be brought about. It is the right kind of reform, and I hope it will be succeeded by others, until this Government becomes indeed the greatest and the best and the freest Government the world has ever seen, where the will of the people shall be, as it ought to be, the supreme law of the land.

Mr. SAUNDERS. Mr. Chairman, I desire to call attention to a few of the fallacies in the arguments of the gentlemen who are opposed to an enlargement of the membership of this body. On the part of some participants in this debate it is suggested that in a smaller body, a larger proportion of the Members-elect will attend its routine sessions for the purpose of legislative work. Now this is not a matter to be determined by theorizing, but should be referred to the test of actual experience. If anyone considers that in a smaller assembly, a better proportion of its Members will attend its daily sessions, he need only stroll across the lobby that intervenes between us, and the Hall of our cognate body, and watch the progress of its deliberations. He will not find that its proportion of attendance is larger, than that which prevails in this House. The old theory that a smaller body means better work dies hard, though it is at war with the experience of everyone who has served in what is known as the popular branch of a general assembly.

Again, it is suggested that an increase in the population of the constituencies, will result in a better personnel in this House, and a higher class of service on the part of its Members. We have heard a great deal about the wisdom of our forefathers, in the course of this debate, and if this intimation of superior wisdom on their part holds good, it suggests a reduction, rather than an increase of population in the constituencies. In the conception of the fathers the House of Representatives was to be the popular branch of Congress, and at all times in direct and immediate touch with the people. If we will look to the districts created in the early days of the Republic, we will find that the statesmen of that day did not subscribe to the proposition that large constituencies are needed to secure the services of the ablest men, or that the work of a Representative will improve in quality, in proportion as the size of his constituency increases. A table of the successive apportionments will show the later increase in the ratio, after being almost stationary for about 40 years:

Membership and ratio under several apportionments.

| | Ratio. | Whole number of Representatives. |
|---------------------------|---------|----------------------------------|
| Constitution of 1789..... | 30,000 | 65 |
| Census of— | | |
| 1790..... | 33,000 | 105 |
| 1800..... | 33,000 | 141 |
| 1810..... | 35,000 | 181 |
| 1820..... | 40,000 | 213 |
| 1830..... | 47,700 | 240 |
| 1840..... | 70,680 | 223 |
| 1850..... | 93,423 | 233 |
| 1860..... | 127,381 | 243 |
| 1870..... | 131,425 | 293 |
| 1880..... | 151,911 | 325 |
| 1890..... | 173,901 | 356 |
| 1900..... | 194,182 | 386 |

Hence should we fail at this time to increase the membership of the House in measurable proportion to the increase in our population, we will do more violence to the theory of the fathers, than at any time of our history, since the constituencies in the

event of this failure will be larger than in any decade during that history. As the size of the constituencies are increased, the effective ability of the Members to serve their constituents will be diminished. In modern times the volume of detail work not properly representative, is something enormous, and taxes the time of a Representative to the utmost. That tax, or burden, is of course increased in the proportion that you increase the number of people to be served by an individual Representative. The increase of annual expense involved in enlarging the House to a membership of 433, will be insignificant, compared to the better service that will be afforded to the public, by a proportionate increase in the number of public servants in the legislative body. The annual increase of expense will be about \$500,000. Moreover, an increase of membership to 433 will keep many States, of which Virginia is one, from losing one or more of the Representatives which they have on the present basis. Another reason why we should not increase the size of our constituencies is that such an increase would be at variance with our claim that we are today the greatest exemplar of popular government in the civilized world. In a truly popular government, the constituencies must never be so large that the citizen will be unable to come into personal relations with his immediate Representative.

The fewer the people to be served by an individual Representative, the more immediately in touch with, and the more immediately responsive to, the wishes and interests of that constituency will that Representative be. There is no great parliamentary body in the world which contains as few members as our House of Representatives, and no one in which the constituencies are not much smaller than our present constituencies, not to speak of the constituencies that would be created by a bill fixing the membership of the House at 391. This will fully appear from the following table:

| Country. | Number of members in lower house. | Average population in constituencies. |
|--------------------|-----------------------------------|---------------------------------------|
| Austria..... | 516 | 50,679 |
| England..... | 670 | 61,878 |
| France..... | 584 | 67,212 |
| Hungary..... | 453 | 42,504 |
| United States..... | 391 | 194,182 |

It has been stated in the progress of this debate that, owing to the increase of facilities of communication, a modern Member can serve a larger number of people with reference to attention to their individual interests than a Representative in the earlier history of our country could possibly do.

In a measure this is true, but it must not be forgotten that these same facilities of intercourse have put the constituents into more immediate communication with their Representative, and multiplied the demands on his time. Anyone who will read the early debates in Congress, will be struck by the abstract, and, I may say, purely governmental character of the subjects to which those debates relate. I venture to say that in one day, a modern Representative will receive far more letters requiring departmental attention on his part, than the average Congressman in the early history of our country would receive in a week, I might almost say, in a fortnight. The enormous increase of activity on the departmental side of our Government, has been followed by a relative increase in the demands on the time of a modern Representative.

This is a sort of work which is of essential value to the constituencies, and in proportion as their size is increased, you diminish the ability of the Member to effectively afford it. So that on the whole, the needs of the public service require this increase in the membership of this body. Another suggestion made by a participant in this debate, has been that the increase in the size of the House will diminish the initiative of the individual Member, and in that connection he cites the British Parliament, as to which he maintains that all initiative is lodged with the ministry. But I venture to assert that in the British Parliament the initiative rests in the ministry in no larger measure than it does in the committees in this body. I venture another assertion, that a study of the work of the English House of Commons will reveal the further fact that the individual members of that body enjoy fully as much power of initiative, as that proposed by Members of this body.

All the arguments against increase rest either upon an actual misconception of the situation, or else upon the mistaken theory advanced by the gentleman from Massachusetts, that a larger constituency will remove the Representative from the influence of his constituents to such an extent that he will be able to

substitute his better judgment on public questions, for their mistaken views, and disregard their indicated wishes. Now, I do not subscribe to this latter view at all. A Representative should endeavor to ascertain the wishes and attitude of his constituents on questions of policy affecting their interests. On these questions of legislative and administrative policy, the true Representative should seek to reflect the will and advance the interests of the people whom he serves. In the unlikely event that his constituency requires him to take any action that will afflict his conscience, or moral sense, he should decline to do so and return his commission to the electors. The smaller the constituency the closer and more personal will be the relations that will exist between the people and their Representatives. Hence, on this ground alone, the action of this House will be supported in public opinion if it increases our membership as proposed by the Crumpacker or committee bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McCALL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 29300. An act authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic order in Oklahoma.

APPORTIONMENT OF REPRESENTATIVES.

The committee resumed its session.

Mr. CAMPBELL. Will the gentleman on the other side use some of his time? I have only six and a half minutes remaining, and that will be used in one speech.

Mr. HAY. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, I am in favor of the Crumpacker bill, the bill unanimously reported by the committee having jurisdiction of that question. I am frank to admit that one of the reasons I am for it is—

Mr. MADDEN. Will the gentleman yield?

Mr. LANGLEY. Will the gentleman please let me get one sentence finished before he interrupts me? I decline to yield for the present. I am frank to admit that one of the reasons why I am for that bill is that if it is enacted Kentucky will maintain its present representation in the House of Representatives and in the electoral college.

Mr. MADDEN. Now will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. MADDEN. Did the gentleman from Kentucky attend the Republican caucus?

Mr. LANGLEY. I did; and if the gentleman will kindly keep his seat I will come to that. I was going to discuss that anyhow.

Mr. MADDEN. Did not the gentleman participate in the caucus when we decided that 391 Members should constitute the House?

Mr. LANGLEY. Mr. Chairman, I decline to yield further to the gentleman for the present, but will answer his question and to his satisfaction, I trust, at the proper time.

Mr. AUSTIN. The gentleman from Kentucky knows that there were only 70 of the 212 Republicans in the House that voted to fix the ratio at 391.

Mr. LANGLEY. I thank the gentleman from Tennessee for his interruption; that is correct. It was less than one-third of the total Republican membership.

Mr. TAYLOR of Ohio. And is it not a fact that there were only 55 of the 212 Republicans that voted for the Crumpacker bill?

Mr. LANGLEY. That is also true as to the final vote. In other words, it was a minority proceeding on both sides. That is another reason why the committee's action should be approved. Now, Mr. Chairman, I decline to yield further, as my time is limited. I do not think, as has been intimated, that the liberties of the people are dependent on the House having either membership suggested, as some gentlemen seem to think.

According to the arguments made by the gentleman from Kansas and the gentleman from Wisconsin, if they are carried to their logical conclusion, they want each State to have only one Representative in Congress, and they want to be "it." [Laughter.] Now, some reference has been made here to the fact that certain Members already represent about 300,000 people, and therefore that the constituencies of others should be enlarged. That is not a proper argument against this bill. It merely proves, if it proves anything, that there has been some unfair gerrymandering going on in the States referred to, and it is an inequality which the legislatures of those States should correct in carrying out the provisions of this bill.

The gentleman from Illinois refers to the Republican caucus which I attended. I feel at liberty to say here that I believed then, and so stated and I repeat it now, that I doubted the wisdom of calling a Republican caucus on a bill of this kind, involving, as it does, so many local interests. We have failed to caucus many times on questions more important and more national in character. I am earnestly of the opinion, however, and so stated then, that it is our duty at this session of Congress to pass an apportionment bill in view of the language of the Constitution, as I construe it. I conceded, however, that there was room for argument on the other side, and that there was more or less of a question of political policy involved in it; and I was entirely willing to be bound by the caucus on that question. But after the caucus decided that we should pass a bill at this session, it then proceeded improperly, as I believed, to pass upon the question of what number of Representatives each State should have. I arose and stated that I did not feel that I should be bound by a caucus to violate my pledges to my people; that the people of my district and State were opposed to any bill which would reduce the number of our Representatives; and I frankly stated to the caucus that I refused to be bound by it. I am here to-day to carry out the statement by casting my vote against the caucus bill. [Applause.]

Mr. MADDEN. If the gentleman will permit me, did not the gentleman make a motion, after he made that statement, and participate in the caucus?

Mr. LANGLEY. I did not quite catch the gentleman's question.

Mr. MADDEN. Although the gentleman made the statement that he said he did, did he not afterwards make a motion and participate in the caucus?

Mr. LANGLEY. I did hastily make a motion to lay another motion on the table, and then decided, after a moment's reflection, not to vote on it, and I did not participate further in the caucus, as the gentleman knows.

Now, some criticism of me has been indulged in by the papers, and still more in private conversation in the lobbies here, because of this action; and some gentlemen have sought to leave the inference that I am not a regular Republican. [Laughter.] Why, Mr. Chairman, I beg to remind gentlemen that my father and my grandfather were two of the 312 who voted for Abraham Lincoln in Kentucky in 1860. [Applause.]

Mr. YOUNG of Michigan. They were good Republicans.

Mr. LANGLEY. My grandfather was unable to walk, and they took an ox cart and drove several miles through the mud and cold to the election and voted for Lincoln, regardless of the menace of political passion that was running high in Kentucky at that time. That is the kind of Republican stock from which I spring, and that is the character of republicanism we have in the mountains in eastern Kentucky and the kind of Republican courage that has changed Kentucky from an overwhelmingly Democratic State to a doubtful State, as it is to-day. [Applause.]

These old Republican heroes have passed across the river, but I still cherish the lessons that their patriotism and fortitude taught me, nor am I violating them now. They had the courage of their convictions, and I think I have mine.

Now, Mr. Chairman, I like to be regular. [Laughter.] I always have been regular. I like a Republican caucus, too. I think if we had had more of them in the recent past than we have had, on great questions involving the principles of our party, the ranks of the "lame-duck brigade" would have been much thinner than they are to-day. [Laughter.] But, following out the teachings of my Republican ancestors, I assert here to-day that I will not permit the opinion of any man, however great he may be, or the opinion of any organization, however great its numbers may be, to force me to vote contrary to my pledge to my people or contrary to the interests of the people and the section which I represent. [Applause.] I never bolted a Republican caucus before in my life, and if you call this bolting you can make the most of it. I do not propose to permit

that charge to swerve me from my own conception of public duty. [Applause.]

Why, my friends on the other side of the Chamber, the Democrats, have done the handsome thing at least once in their lives [laughter], and have refused to have a caucus on this question, leaving each member of that party, as we should have done, free to vote in accordance with his own convictions as to what membership there should be in the House of Representatives and as to what representation his own State should have.

Mr. KITCHIN. Because that is not a political question.

Mr. LANGLEY. Yes; because it is not, as the gentleman from North Carolina says, a political question. And, Mr. Chairman, I am informed that they even went further than that, and absolved certain members of their caucus who happened to be committed to protection on certain articles which the Canadian reciprocity treaty proposes to put on the free list—absolved them from the binding effect of their caucus action, so that they may redeem their pledges to their constituents. That is what you should have done, my Republican friends. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. Will the gentleman from Indiana yield me some time?

Mr. CRUMPACKER. I yield four minutes to the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Kentucky is recognized for four minutes more.

Mr. LANGLEY. Mr. Chairman, the argument has been made here to-day, and it is one frequently made against increasing the membership of the House, that there is danger of its becoming unwieldy, and thus decreasing the power of the individual Member to get proper recognition for his district; and some have even contended, on that ground, that the present size of the House should be decreased rather than increased. Mr. Chairman, I have never found any serious difficulty in getting almost anything within reason that I have asked for my district. Most of you have served here longer than I have, and you know, and I know, that practically all of the business is done by committees and in Committee of the Whole.

The Committee of the Whole, with only a handful of Members present, passes upon the great supply bills, carrying millions and millions of dollars, and then the House adopts its work, as a rule, without question. During the four years I have been here there has been scarcely a single occasion where there has been any evidence of the House being too unwieldy for the proper dispatch of the business in hand. And, Mr. Chairman, I believe the business of the House could be dispatched in the same expeditious manner, with the right kind of rules, with a membership of 500 as it is now done with 391. Really I think the House sometimes proceeds too rapidly for us new Members.

There is no European country to-day which has anything like as large a basis of representation as we have. Great Britain, with less than half of our population, has nearly twice as many members in the lower branch of Parliament as we have in our lower House. The basis of representation in the German Reichstag is the nearest approach to ours, and it is over 38,000 less than our present basis of representation, and over 56,000 less than the basis proposed in the Crumpacker bill. The basis of representation in the other European countries is very much less, ranging from 11,000 to 67,000. I concede that, in view of the rapid increase in our population, it will be necessary in the near future to stop the increase of the membership of the House, but that time has not yet arrived.

I am in favor of this bill reported by the committee, in the first place, because of the committee's action. Ever since I have been here I have been appealed to by leaders on this side of the House to stand by the committee, to stand by the report of the committee, and I have yielded to that appeal so often that it has gotten to be a habit with me, and I do not want to change that habit now. [Laughter.] And, moreover, I do not think it was the part of wisdom to have called a caucus long after the Committee on the Census had held exhaustive hearings and had fully considered the whole question, and had unanimously reported this bill to the House. If you gentlemen who got it up wanted to have a caucus, you ought to have called it before the Committee on the Census had committed itself to this bill. I am not only in favor of the bill because it was unanimously reported by the committee, but I am in favor of it also because, as I said at the outset, it prevents any reduction in the representation from Kentucky, and I may add, in the representation of any Southern State, which is another reason why I am for it. And I beg to say to you, my Republican friends, that, in view of the trend of present political conditions, the lines of political battle will not be formed hereafter as they have been formed heretofore, and, in my

judgment, the time is not far distant when our Republican nominee for President, if he is victorious, will have to look for some electoral votes from some of the States like Kentucky and North Carolina and Tennessee and Missouri and Maryland, where the doctrines of Lincoln, Blaine, and McKinley are rapidly augmenting the ranks of Republicanism. [Applause.] The losses that we must inevitably sustain north of Mason and Dixon's line must be retrieved, if they are retrieved at all, in this border-State territory. I commend this suggestion to gentlemen who seem to have little or no concern about the Republicans of the South. [Applause.]

Mr. BURKE of Pennsylvania. Mr. Chairman, I would like to ask the gentleman a question. The gentleman admits, does he not, that the committees of this House which he states transact four-fifths of the business of the House do that with reasonable facility and satisfaction to the country.

Mr. LANGLEY. Oh, there has been some complaint about it. [Laughter.]

Mr. BURKE of Pennsylvania. They do it with a reasonable degree of facility and satisfaction to the country?

Mr. LANGLEY. Sometimes they do and sometimes they do not. I have not been entirely satisfied with it all the time that I have been here, I will say to the gentleman. [Laughter.]

Mr. BURKE of Pennsylvania. But as a general proposition the gentleman will admit that that is true?

Mr. LANGLEY. Yes; and especially do I think that this Committee on the Census did its duty thoroughly and to the entire satisfaction of the country when it reported this bill. [Laughter.]

Mr. BURKE of Pennsylvania. Then to what extent would the country be benefited by the enlargement of the membership of the House as a whole?

Mr. LANGLEY. I will tell the gentleman one reason why I think it ought to be enlarged with the increased population to a certain limit at least, and that is because the larger the membership the smaller the constituency and the closer, therefore, will the House be to the people; and I do not believe that the people of the country want to abandon that theory merely to save a few hundred thousand dollars in expenses which would be involved in increasing the membership of the House. This argument of economy in this connection does not appeal to me at all. I do not think the people value so cheaply the principles of representative government.

Mr. BURKE of Pennsylvania and Mr. COLE rose.

Mr. LANGLEY. I must decline to yield further, because I want to yield one minute of my time to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. Then I hope the gentleman may be yielded one minute. I promised to yield it to him, but these interruptions prevented me from doing it.

Mr. CRUMPACKER. Later I will yield a little time to the gentleman from Tennessee.

Mr. LANGLEY. Very well. I am sorry that I have not more time to talk myself. [Applause.]

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, I have no hesitation in advocating an increase of the membership of the House of Representatives, the greatest parliamentary body, in its personnel and in the magnitude of the interests it represents, in the civilized world. I am in favor of this increase, not because of personal reasons, because, so far as I can foresee, I have no personal interest to subserve, but I am in favor of it because I believe it is right to increase the membership of the House with the growth of our country and increase of our population.

After 12 years' service in the House of Representatives I am voluntarily retiring from Congress, and I believe that I can look at the matter fairly and impartially. It is true that, with proper State pride, I am unwilling to see the representation of my State in the House decreased from 10 Members to 9 Members. If the present number of members, 391, is retained, each Member will represent a much larger number of people.

Under the Willcox tables adopted by the Committee on Census, or what is known as the system of major fractions, with the total number of Representatives the present number, 391, the ratio of representation will be one Member for every 234,522 of population; with 433 Members, the ratio will be one Member for every 211,877 of population. The present ratio is one Member for every 194,182 people, so that if the number of Representatives remains 391 each congressional district would average over 40,000 more people, while if 433 be adopted as the number of Representatives the average would be about 17,000 more people.

According to the committee's report, either under the Willcox tables or under the system which has been in force since 1850 and the tables prepared by the Census Office, North Carolina would lose a Representative unless the number of Representatives is increased to 433 or more. With 433 Representatives no State would lose a Member, but with 391 Members the States would be reduced in representation as follows: The States of Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, North Carolina, Ohio, Tennessee, Virginia, and Wisconsin would each lose one Representative, and the State of Missouri would lose two Representatives. Under the last apportionment, in 1901, the number of Members was increased from 357 to 386. Oklahoma was subsequently admitted to the Union with 5 Members, making a total increase of 34 Members since 1900. It is now proposed after the Thirteenth Census to increase the membership 42, which number added to 391 gives us 433 as the total membership of the House, or 435 with Arizona and New Mexico.

There has been an increase in membership of the House of Representatives under every census but one since the organization of the Government. Then the Senate controlled for the first and only time. The apportionment following the Sixth Census, 1840, reduced the membership 17, but this was accomplished by the Senate. The increase has not been in proportion to the population, but has been an average of about 50 per cent thereof. The increase is justified and justifiable in a republic and representative government.

The House is intended to be a representative body. It should and does reflect the feelings and wishes of the people and should be close to them.

Our Republic is the wealthiest in the world, our area vast, our resources and products many and varied. Our population is ninety-one and a half millions in the States now in the Union and to be admitted. The flag of the Union is now representative of 46 and soon 48 States, whose collective will must be ascertained and expressed, and can be fully, clearly, and promptly ascertained and expressed by the Representatives of the people of the States in the popular branch of Congress, the House of Representatives, responsive to the popular will every two years.

The Representative should be close to the people. Congressional districts overlarge in population remove him further from the people. A large number of people to represent adds to the work and responsibility of a Representative, which has certainly increased, especially in the last two decades.

As to an unwieldy House, that should be avoided, but everyone knows the House has for years relied largely upon its committees for legislation, and would do so if the number were decreased to 300, or 200, even.

The House should be deliberative, but no one who has speech of value and importance fails to be heard, and we are to decrease the size of the Hall and make it more deliberative, with no desks, thereby requiring Members to debate or listen to debate.

The popular branches of legislative bodies in the leading countries of the civilized world are much larger than that of the United States in proportion to population.

Great Britain has 670 members of the House of Commons, with a population of about 40,000,000; Austria has 516 members in the lower house, with a population of about 26,000,000; France has 584 members in the lower house, with a population of about 39,000,000; Germany has 397 members in the lower house, with a population of about 60,000,000. All these facts are shown clearly in the committee's report. It will be seen that the densely populated countries of Europe, where representatives have less difficulty in ascertaining local, industrial, social, and political conditions, the ratio of population is much smaller than it is in the United States. The nearest approach to our ratio is that of Germany, which is 155,546 to each member. True, as has been said, the quorum of members required in the House of Commons of Great Britain is only 40, and it may be true as to other countries that a less quorum is required than in our House of Representatives to do business, but this is not a sufficient argument. Our Representatives in Congress, whether they be 100 or 500, are expected to be, should be, and usually are at their posts. I do not believe that in the personnel, character, and ability of its members the lower house of any parliamentary body of the world surpasses the House of Representatives of the United States. [Applause.] It is suggested there is a possibility of a small clique dominating a large membership; but, as is well known, this can always be obviated by changes in the rules and parliamentary procedure. This is the day of revised rules and direct elections and the placing of the power of committee selection in the hands of more than one man. I do not believe that the argument of in-

creased expense of the larger House should have very great weight. If we want to save money, let us not save it upon the proper representation of the people in the popular branch of the National Legislature and the transaction of the people's business, but let us save it by economizing in the large expenditures for our Army, Navy, and the Philippines and other governmental objects. When we are spending, as admitted by the chairman of the Committee on Appropriations [Mr. TAWNEY], 70 per cent of our revenues for militarism and only 30 per cent upon other governmental objects, let us economize in that direction, and not at the expense of a proper representation of the people in this great body representing the people. [Applause.]

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, the House of Representatives has the smallest number of men in it of any great legislative body in the world in proportion to the population represented. Great Britain, with a population of something like 40,000,000, has 670 men in the House of Commons. The only real objection to a large membership in this House that has ever been urged was the disorderly character of the proceedings here. Some people have wrongfully charged that up to the large membership. That is not true at all; it ought to be charged up to the size of the Hall. That is what brings about the confusion here. There are only 6, 8, or 10 of us in this House who can be heard all over this Hall. When men can not hear they get to talking, and they all get at it, and there is a great uproar until somebody calls for order. That objection is to be obviated by the change in the size and character of the Hall in the next Congress. The size of the Hall will be cut down one-third and the membership will be concentrated, so to speak, and the disorders which have been complained of will be largely done away with. I indorse nearly everything the gentleman from Kentucky [Mr. LANGLEY] said and everything the gentleman from North Carolina [Mr. THOMAS] said. Their arguments can not be answered. The proposition of the gentleman from Massachusetts [Mr. GILLET] is not tenable. His proposition was that the theory of the Republic is that people are not fit to govern themselves. He did not say that precisely, but that is exactly what it leads to, and that they select a superior class of men who come here to legislate for them, and it is the business of this superior class of men to educate these fellows at home.

As a matter of fact, about the time you get the fellows educated up they would leave him at home. [Applause.] That would be the upshot of the proceeding [applause and laughter], and leave the rest of us, maybe. The trouble is that it is the business of a man here—that is my theory and always has been—to represent the will of his constituents [applause] on every important question. Of course on minor questions you have to guess at it, but on these great questions there is no doubt about it. If I ever come to the conclusion that I can not vote the way the people of my district want me to vote on a great proposition, I would resign and go home. There is no compulsion on a man to come here; and incidentally it may be stated that two of the most unpopular Presidents this country ever had, John Quincy Adams and John Tyler, were two out of three United States Senators who had consciences enough to resign and go home rather than to vote under the instructions from their constituents in the way they thought was wrong. Just in proportion as your constituency is small you can represent them here. The truth is when you increase the ratio by 25,000 or 30,000 it is increasing the work of the Congressman that much in answering letters and all those things which have to be done except the business on this floor. There is another thing about it. We in the Democratic caucus, held on the 19th of January, passed a resolution increasing the membership of every great committee in this House, and we did that on philosophic principles, and that is because the real legislation in this House is done in the committees. Everybody knows it, and it is only on dress parade occasions like this when we have a debate here that everybody takes a part, and you know that some of the most important business is transacted here by a very few Members. Why? Because we have faith in the Members who report these matters to the House; and when reported unanimously, as this Crumpacker proposition was reported, it is the rarest kind of a thing in the history of the Congress of the United States that the full House turns it down. Now, I am in favor of increasing the membership of the House to 433 because it will not increase the labors of the individual Member and because it gives a better representation.

The gentleman from Kansas [Mr. CAMPBELL] occupies a very curious position in this transaction. Ten years ago the three States that were about to lose membership were Virginia,

Maine, and Kansas. Missouri was gaining one, although about 500,000 of our people went down into Oklahoma and Texas in the last few years. At that time the Kansas delegation were approaching the rest of us on bended knees and asking us to increase the membership at that time, so that poor, bleeding Kansas would not lose any members in the transaction. [Laughter and applause.]

I learned to spell out of Webster's old blue-backed speller, and I intend to resurrect that book and print it in the CONGRESSIONAL RECORD. Over in the back part of it was a tale to the effect that it depended very much on whose ox was gored. [Laughter.] I was in favor of increasing the representation then, and I am in favor of it now.

Mr. CAMPBELL. My amendment would reduce the representation from Kansas from eight to seven, I will say to the gentleman from Missouri.

Mr. CLARK of Missouri. You were not in favor of it 10 years ago, were you?

Mr. CAMPBELL. I was not here then.

Mr. CLARK of Missouri. You will not be here 10 years from now, either. [Laughter.]

Mr. CAMPBELL. I am not so sure that I do not stand as good a chance of being here 10 years from now as the gentleman from Missouri.

Mr. HAY. Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I yield six minutes and a half to the gentleman from Iowa [Mr. PICKETT.]

Mr. PICKETT. Mr. Chairman, the pending measure is one of the most important that has been considered by this Congress. It is vitally related to the question of representative government. I doubt if there has ever been a time in our history when the public mind was more alert on public affairs than it is to-day, and this is particularly true of those questions involving our system of representative government. Certainly, in view of recent history, it can not be said that the people are not interested in the rules and procedure which govern the deliberations of this House.

Congress within the last decade has entered many new fields of legislation. Without referring to particular legislative acts within the knowledge of all, it can be said that many measures of great importance and vital concern to the people have been passed and many more are awaiting consideration. These references are material to the present discussion only as bearing on the fact that the people will expect such action on the pending measure as will best preserve this body as a representative body; as the body wherein the legislative will of the people may find expression; where the people, acting through their chosen representatives, can be heard, and where some semblance of deliberation may still obtain.

The question of controlling importance before us is what number of Members will best protect the representative character of the House. All other questions sink into insignificance.

If I were to ask the individual Members of the House, in the cloak room or in private conversation, whether the membership of the House was not already large enough for the deliberate and orderly consideration of legislation, every answer would be in the affirmative. [Applause.]

I will go further. If I were to ask whether it is not already too large for the deliberate and orderly consideration of legislation, I venture that the great majority of answers would be in the affirmative. [Applause.] Every Member, in his own conscience, must admit that the House to-day is sufficiently large.

In 1840 the method was adopted of arbitrarily fixing the number of Representatives that should constitute the House and then dividing this number into the total population, ascertain the ratio, which in turn should be used to determine the number in each State. The wisdom of this method is manifest. It strikes at the very heart of the question involved, and that is: What should be the size of this legislative body? While the committee claims to have followed this theory, it is manifest it did not. It is clear from the conclusion stated by the committee, as well as from the remarks of its distinguished chairman this afternoon, that the committee first determined that the numerical representation of no State should suffer, and then, having determined such fact, proceeded to find a ratio that would give effect thereto. In brief, the committee, while apparently adopting the rule referred to and admitting its wisdom, as a matter of fact repudiates it. The report submitted in favor of the increase of 42 Members, after reciting the number of Representatives certain States will gain, states:

And no State will lose a Member.

And further:

It is proper to say in this connection that a membership of 433 in the House is the lowest number that will prevent any State from losing a Representative.

If this is to be the rule adopted for our guidance in reapportionment, then all that would be necessary would be to take the State showing the least increase in population, or no increase, or a decrease, as the case may be, as the basis, and dividing the population of such State by its then number of Representatives, determine the ratio upon which to base the apportionment. An automatic system, so to speak. In other words, the true and vital question as to what membership should constitute the House would be entirely ignored.

Two reasons, and only two, have been suggested in support of the proposed increase. One the so-called State pride and the other that the greater the number of Representatives the closer they will be in touch with their constituents.

I am unable to see any force in the argument of State pride. Upon the basis of the present membership of the House the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, North Carolina, Ohio, Tennessee, Virginia, and Wisconsin would each lose one Representative, and yet their relative strength would be the same as it would be under the proposed increase, the same as it is now, and the same as it would be under any apportionment. The only proper test is that of relative strength.

The other argument urged, that with increased membership the Representatives would be in closer touch with their constituents, is superficially a catchy one but has no merit in fact. It has already been observed during this debate, and no one will be heard to deny it, that a Representative to-day may be in closer touch with his constituents and constituents in closer touch with their Representative with a ratio of 300,000, or even 500,000, than a hundred years ago when the ratio was 30,000 per district. There is a wide variance in the population of the present congressional districts in this country. In my own State there is a variance of practically 100,000 between two districts, and the same is true in many other States. Some districts already have a larger population than the ratio would be to retain the present number of Members, and surely no one would claim that the gentlemen representing such districts are not in touch with their constituents or are not able and competent to represent them to the fullest extent.

I concur in the general theory that that rule or basis of representation which gives the greatest number of Representatives—that is to say, a Representative for the smallest number of people—is to be desired and is in harmony with popular government, but this rule fails when the legislative body becomes so large as to be unwieldy; when it ceases to be deliberative in character and when individual responsibility and participation in shaping and molding legislation is seriously curtailed, if not prohibited, by virtue of the very size of the body and when, as then becomes true, its representative character is impaired.

On this general subject I can not refrain from quoting at this time from one of the ablest members of the Constitutional Convention, as follows:

It is a sound and important principle that the Representative ought to be acquainted with the interests and circumstances of his constituents, but this principle can not extend any farther than to those circumstances and interests to which the authority and care of the Representative relates.

Even if the ratio was fixed so as to reduce the present membership of the House, on the basis of one Representative for every 300,000 people, could it be affirmed that the rule to which I have called attention, the soundness of which must appeal to you, would not still obtain and would not the Representative in such event, with the modern means of communication, have ample opportunity of knowing the legislative needs and wishes of his constituents?

The success of representative government must depend not on the number of Representatives but on the triumph or supremacy of the representative principle. Five hundred thousand people would be better represented by one Representative who is permitted to participate in shaping and molding legislation into its final form for action and through whom the legislative will of the people can be expressed and recorded than by two or a dozen Representatives who are only permitted to vote aye or nay on final issues.

And I submit that the important consideration is not the size of the constituency, but what membership in this House is best adapted for legislative purposes.

There is another consideration of general relevancy to this subject which I am sure is within the common observation of you all, and that is, the larger the constituency the greater the trust reposed, the greater is the care which the people exercise in selecting the person to execute the trust. And if you will summon your own observation in this respect and note the relative care with which the people scrutinize and analyze the candidates, from whom they are to choose, for the respective offices from the township to the Nation, the statement I have

made will find confirmation. It does not require either illustration or argument. It is both a natural and logical result.

The report of the committee submitted in support of the proposed increase is a remarkable document. It is, indeed, a rare specimen of documentary humor, more refined because it was evidently intended by its author to be taken seriously. It practically admits what we all know, that the present House is already unwieldy by reason of its membership; that legislation is now largely and necessarily through committees; and that now there is a very limited opportunity for individual participation. It further admits what we all know, that an increase in the membership will naturally increase the troubles we already have. The report says:

Your committee believes that an increase of 42 Members would not materially change the character of the House as a deliberative body.

And again:

The danger of domination of the House by a parliamentary or political machine or clique increases in a measure with the increase in membership, but if that condition ever becomes so grave as to be a real menace to the individual freedom of Representatives and the representative character of the House, a remedy will come in an improved method of parliamentary procedure.

In brief, the report of the committee, intended as an argument in support of the proposed increase, is more in the nature of a plea in confession and avoidance. It confesses the weaknesses and evils of a large membership with which we are all familiar and which will concededly be augmented by increasing the membership, but its attempt at avoidance is a lamentable failure.

In view of the controversies during this Congress and, for that matter, in preceding Congresses over the procedure of the House and the distribution of its legislative powers and rights the suggestion of the committee as to the ease with which "a remedy will come in an improved method of parliamentary procedure" when the "real menace to the individual freedom of Representatives" comes, which the committee anticipates, impresses me as quite humorous to say the least.

It will be admitted by those who have seen longer service in this body than I have that as the House has increased from time to time in its membership the necessity has arisen for conforming the rules of the House to its increased membership. I will go further and affirm that those who have seen longer service in this body will also admit that in proportion as the membership has increased the House, as a legislative body, has become less efficient. That as a natural and logical sequence of its increased membership the control of legislation has been more and more vested in committees and the legislative powers of the House centralized in a few. In this connection I desire to refer briefly to one of the problems under our system of rules that has received particular attention by this Congress, and that is the supremacy, under the rules, of a committee over the House itself.

The distinguished Speaker of this House is reported to have said in an address delivered in Elgin, Ill., on October 19, 1909, as follows:

The Republican Party is supposed to have a majority in Congress. The majority desired to pass an emergency currency law. The Committee on Banking and Currency refused to report it. Under the rules, there was no way the House could get control of that bill. The caucus adopted a resolution to compel the report and then I felt compelled to recognize a Representative who moved to suspend the rules.

Pause for a moment and consider this picture. The country was in the throes of a financial panic. Congress was confronted with the crisis. Legislation to meet it seemed imperative. A bill was introduced for that purpose. It was referred to the proper committee. The committee refused to act, and yet, as the Speaker says and what we all know to be a fact, under the rules of the House there was no way the House could get control of the bill. Ten members of a committee constitute a quorum, and if they refuse to act on a measure before the committee the remaining 381 Members of the House must, under the rules, sit with arms folded, powerless as the representatives of the people to obtain control of the measure. During the last session of the present Congress the House attempted and, in fact, thought it had provided a remedy, pursuant to orderly procedure and requiring a constitutional majority of the Members of the House, for the discharge of a committee upon its failure to act. How effective that rule has been needs no comment. Under the construction given to it, it has thus far been absolutely inoperative. I am referring to this matter now only for the purpose of its materiality to the question before us and incidentally to illustrate the ease with which, as the committee suggests, the House will from time to time solve these practical problems in our procedure. That a committee should not be superior to the House itself all will concede, but the remedy therefore is, as will also be admitted by all, a serious problem, and the difficulty in solving it emphasized by the

present unwieldy size of the House. Surely these difficulties will not be lessened by increasing the membership 42, as the committee proposes.

Under the Constitution all revenue measures must originate in the House. The House of Representatives is the only part of our system of government directly elected by the people. Our forefathers, in framing the Constitution, desired to retain the initiative of this important legislative power with the direct and immediate representatives of the people. It has always been true from the time the first tariff bill was considered in 1789 to the present time that there are certain schedules which become issues in themselves and in which the people take particular interest. They ought, as a matter of right, to have some share, at least, in the adjustment of the more important schedules. In the earlier days of the Republic, and before the House became so large, tariff measures were considered schedule by schedule after, of course, the committee had submitted a bill. This method has been abandoned and, I believe, has not obtained as to the tariff measures passed by either party in the House during the last decade. When the Payne bill was passed amendments were permitted to only five of the controverted schedules. One of the reasons urged by those who favored the special rule under which it was passed was the impracticability, in view of the size of the House, of considering the measure schedule by schedule. I believed at the time that the rule should have been more liberal, and voted accordingly. But that is immaterial now. I refer to the matter, not for the purpose of reopening past issues, but for its most forcible application to the question now before us. It constitutes a most cogent argument against increasing the membership of the House, which will, as all must admit, only augment our present difficulties.

During the present session of Congress many measures of great importance have been introduced. Some of them have already been considered, while others are awaiting action. They merit deliberate consideration and a freedom of discussion commensurate with their importance. The Members of the House are entitled to the benefit of the facts and ideas developed in debate. The House is already so large that debate is necessarily confined within narrow limits. It is true that the House is generous in its "leave to print," and valuable contributions to important subjects in this manner enter the Record. However, the debate that illumines a subject and influences action is when an issue is pending for determination and the Members are present to pass upon it. If you take the legislative days of this session from the opening of Congress to March 4, when it must adjourn, and compute the time on the basis of five hours to each legislative day, which is a fair average, and exclude the time for the opening exercises, the reading of the Journal, discussions of points of order, and other matters that do not directly pertain to the consideration of legislation and divide the time equally among the Members of the House there would be for each Member of the House for the entire session not more than 40 minutes.

These conditions now confront us. I am referring to them not in any spirit of criticism but because they must lead our minds irresistibly to the conclusion that it will be a mistake to increase our membership as proposed.

I realize that I have differed from some of my party colleagues during this Congress on certain particular phases of the rules. I assure you, however, that those specific controversies are entirely disassociated from the consideration of this question. I desire, on the broad proposition of the relationship between the size of the House and its efficiency as a legislative body, to quote from the distinguished gentleman from Pennsylvania, the chairman of the Committee on Rules [Mr. DALZELL], who has been one of the foremost champions of the existing rules of the House. Speaking on the apportionment bill in 1901, he said:

Leaving the domain of theory and approaching that which we ourselves know I advance the proposition that this House is habitually turbulent and noisy and at times almost uncontrollable and that it has reached that point where in many cases the individuality of the Representative counts for absolutely nothing. * * * I come now to my last proposition. I deny the affirmation that under the rules as we have them this is an efficient House. I say it is an inefficient House and let the record show it.

This statement was made when the House had 357 Members.

I could add innumerable quotations from the most distinguished of the present and former Members of this body along the same line but it seems superfluous when, as I said in the beginning, every Member of the House is bound to concede in his own conscience that the House is now large enough.

I do not believe that the Members of this House, on a matter of such great importance, will permit any personal consideration or other expediency to count for aught in the balance as compared to the common good of our country. [Applause.]

Mr. CRUMPACKER. I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I represent on the floor of this House a district that has elected either a Whig or a Republican Member of Congress for 60 years. I am a Republican all wool and a yard wide. [Applause.] I have been a regular in the House of Representatives, but I will never take my orders from 70 Members out of 212 Republicans when it means injury to the interests of my constituents and the State that I in part represent on the floor of this House.

I stood on this side of the Chamber and was the only Republican Member to vote against the passage of the Payne tariff bill when it originally passed the House. I did it because it was in some respects in conflict with the best interests of my constituents. I came back with an increased majority—from 800 to 4,000. When I took my oath as a Member of this House, standing before the Speaker, I promised to faithfully perform my duty, and this meant loyalty to my people, and yet a third of the Republican Members in a caucus seek to have me oppose the interests of my constituents and override the unanimous report of the Committee on Census, composed of 10 Republicans and six Democrats, from every section of the Union.

The gentleman from Kentucky [Mr. LANGLEY] well said that if the Republican Party expects to live it must look to the border States of the South for future Members of Congress and for needed electoral votes. With the development of the inexhaustible resources of the South and the growth of its commercial and manufacturing interests, we have it within our power to link some of the Southern States to the Republican Party, but we can not do it by reducing their representation in Congress under this amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

At the last election a large number of Democrats in Tennessee voted to elect a Republican governor, and he was inaugurated two weeks ago. At many places where he spoke in that State the platform was crowded with ex-Confederate soldiers. Last week 62 Democrats voted for and aided in the election of a Republican State treasurer for the first time in 40 years. One of these days we will lose the insurgent section in the West on the tariff question, and we can substitute the mineral and manufacturing section of Virginia, Kentucky, Tennessee, and North Carolina if you will stop this attempt to cut down our representation in Congress and in the electoral college.

Mr. COLE. Will the gentleman yield?

Mr. AUSTIN. No, sir. The adoption of the Campbell or Stafford amendment means wiping from the map a Republican district represented by my colleague, Mr. SLEMP, of Virginia. He and his grand old father spent years in building up that splendid Republican district.

Take, for example, the able gentleman from Kentucky [Mr. LANGLEY], representing a district which formerly sent a Democrat to Congress. You propose to legislate him out of Congress. Here is North Carolina, with three splendid Republican Members of Congress. Are you going to shut the door of hope to the Republican Party of North Carolina, which is growing every year? If so, pass the proposed amendment, and then our political enemies will have no difficulty in convincing the people of North Carolina, Tennessee, Kentucky, and Virginia that the Republican Party of the Nation is a sectional party and unfriendly to the South. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the apportionment bill and had come to no conclusion thereon.

RECESS TO MEET COUNT APPONYI.

Mr. FOSTER of Vermont. Mr. Speaker, I move that the House do now take a recess for 15 minutes for the purpose of having presented to it Count Albert Apponyi, former speaker of the House of Representatives of Hungary, and at present minister of education in that country.

The motion was agreed to.

Accordingly (at 3 o'clock and 55 minutes p. m.) the House stood in recess for 15 minutes.

Count Apponyi was escorted into the Chamber and to the rostrum by the Speaker.

The SPEAKER. Members of the House of Representatives, the rapid development of our great Republic in less than 50 years has brought us an increase in population from 30,000,000 to 90,000,000 plus, in the United States proper, stretching, as it

does, from one ocean to the other, across what were formerly deserts, tunneling mountains, making us, all things considered, certainly the largest of all the civilized Governments, save Russia alone, and, to say the least, one of the most powerful of nations. This development has come by and through the patriotism and cooperation of the Caucasian race. Great Britain, including Ireland and Scotland, Germany and the low countries, France, the Netherlands, Norway, Sweden, Poland, Austria, Hungary [applause], Italy, and others have contributed and are contributing of their brawn and brain, who are coming here to become citizens of this great Republic and to aid us in this great development.

It affords me to-day great pleasure to introduce one with whose reputation we are acquainted, not only through multiplied thousands of his own countrymen, who have made their homes and are making their homes here and have become our countrymen, but a man of world-wide reputation as statesman and legislator, who has for 40 years served in the House of Representatives of Hungary [applause], who for many years was speaker of that body, and now is not only a member of that body, but a member of the cabinet—minister of education. I take great pleasure in introducing to you Count Albert Apponyi. [Prolonged applause.]

COUNT APPONYI. Mr. Speaker and gentlemen of the House of Representatives, highly as I feel the honor of being introduced to you, and of being allowed to address American legislators in their own House, I shall not devote many of the few minutes that I shall enjoy that high privilege to mere effusion of thanks. I am almost overawed by the responsibilities that rest upon me for every word said and for every word unsaid during these few minutes. I stand before you, gentlemen, not as a single individual, but as a representative man, as a representative man of the Old World before you representatives of the New World, and when, apparently, you are only kind enough to listen to a foreigner who chances to be among you, and to whom you do high honor, I know you inwardly ask yourselves, What has the Old World got to say to the New World? Well, gentlemen, I think it is about this: You come from the Old World, too. [Applause.] You were born under a happy star. That Old World has legacies of tradition which are its force (strength) and its burden. When your ancestors left the Old World they were privileged to take away with them the very best of those traditions, and to leave behind what is the burden of them. You took with you the very best thing, the very highest point of development which the Old World had attained in those days; you took with you the sound, healthy, vigorous traditions of British liberty. [Applause.]

You developed them and you adapted them to the conditions found in the new hemisphere to which you had come. And you left behind you what was burdensome in the traditions of the Old World. The oppressions, the mutual animosities and distrusts, the call for blood, all this you were enabled to leave behind you; all this inheritance of hatred, of antagonism, and animosities. [Applause.] Gentlemen, you feel it more keenly than I can express that this fortunate situation lays a great responsibility upon you, and if I am to speak here before you on behalf of the Old World, I say this: We of the Old World, desiring to come out of the devouring waste of the ancient spirit of animosity and distrust, appeal to you, who, if perhaps not yet on the shore, feel already solid ground under your feet, we appeal to you for assistance to do away with the hateful legacy of hatred between men who ought to be brethren. [Applause.]

This is the object of my mission in America. This is what I think the spirit of the Old World has to say to the spirit of the New World, and after having delivered you this message let me again thank you for the high honor which you have done to me. It appeals to me personally, but appeals to a feeling stronger still, to my feeling for my country. It was a privilege to enjoy the echo that these sentiments to which I gave expression have found in this House, because that echo came from your hearts and from your minds. [Applause.]

AFTER RECESS.

The recess having expired, the Speaker resumed the chair.

Mr. KEIFER. Mr. Speaker, I move that the proceedings which have taken place from the Speaker's chair during the recess be incorporated in the RECORD of to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that Members of the House may have five days in which to print remarks in reference to the apportionment bill, and that the remarks shall be addressed to a discussion of the merits of the bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Members of the House have leave to print for five legislative days remarks upon the pending bill, such remarks to be confined to the bill. Is there objection? [After a pause.] The Chair hears none.

APPORTIONMENT OF REPRESENTATIVES.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the apportionment bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the apportionment bill, with Mr. MANN in the chair.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, in these late days a modern question has arisen. That question is, What is representative government? The gentleman from Massachusetts expressed one view of that question. I shall undertake to present the other. The gentleman from Massachusetts said he was opposed to small districts, because in small districts the Representative became the echo merely of the sentiment of the people. He was in favor of the system under which the Representative should not be the echo of his people, but should do their thinking for them and represent them according to his interpretation of their rights and interest, whether it was in accordance with their desires and views as to their interests or not. He spoke truly when he said that small districts were more likely to have a Representative echoing the sentiments of his people, and for that reason I am not afraid of small districts. For that very reason I am disposed to favor small districts. Mr. Chairman, in the foundation of this Government, when our fathers established representative government, they had no such idea as the gentleman from Massachusetts. They recognized that the democratic theory of every matter going before the people could not be applied in all instances, and that therefore representative government had to be resorted to, but they wanted a democratic government, a government of and by the people as nearly as possible, and they hung as closely around that as could be done in the establishment of a representative government, as closely as possible under the conditions. They tried to establish a representative government in which the Representative should truly represent the people, and any man who advocates a large district in order to enable the so-called Representative to be above his people does not live in the spirit of our Republic.

Democrats can be Republicans in the sense that they are in favor of a republican form of government, but they can not be Republicans in the sense that they favor this idea, that the so-called Representative represents himself and not the people, or represents his personal views and not the views of his constituents. The supreme idea of Democracy is that the people rule. A Republican, a believer in a republican form of government, may also be a believer in the rule of the people; but then, again, he may believe in a republican form of government and not the rule of the people. He may believe in the rule of certain classes or of superior representatives. Such a Republican can not be a Democrat. For one, I favor the Democratic idea, which is the rule of the people. I believe, as was said by him who will be next Speaker, that when a Representative here can not represent his people he should retire.

The gentleman from Massachusetts says that small districts conduce to the interest of a Member; that he can perpetuate himself in office more easily. That is true if he serves his constituency faithfully, but if he betrays them a small district will turn him out the quicker, while the larger the district the more readily and easily the Representative may be a traitor to the true interests of his people and yet make it difficult to remove him from his position.

Mr. Chairman, so far as confusion is concerned, the great argument that is made against a small increase in the membership of this House, all legislative bodies have demonstrated that it does not arise from the size of the body. There is rarely ever more than half of our membership here present, and yet the same confusion exists when there are only a few of them here.

The whole thing and the whole issue here to be decided between a smaller and a larger number is, Do we favor the representative idea as expressed by the gentleman from Massachusetts [Mr. GILLET], that Representatives should think for the people and educate the people up to the Representative's ideas, or do we favor a representative government where the Member of Congress speaks the sentiments and represents the wishes and

desires of his people? For one, I sum it all up with my view of letting the people rule. And to do that, instead of cutting down representation and making our districts unreasonably large, I would rather submit to a little inconvenience in the size of the House. When our fathers founded this Government, about 30,000 constituents were entitled to one Member. Now—that is, under the census of 1900—194,000 are entitled to a Member. Under the apportionment of the Crumpacker bill some 211,000 must be represented by one man. Who can represent successfully the people of a larger district than that? I find that to represent my people, none too well, it takes all my time and the time of a first-class private secretary. We, the Representatives here, might magnify our office, represent a larger constituency, and, like the Senate, increase the number and pay of our clerks, secretaries, and stenographers; add to our perquisites and expenditures and dignity generally, and get further away from the people. It is, in fact, amazing to see how much more costly the Senate is than the House in proportion to numbers.

For one, Mr. Speaker, I say let us hold on to the simplicity and fidelity of the fathers and let the people rule. [Applause.]

Mr. CRUMPACKER. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. SWASEY].

[Mr. SWASEY addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired, the time for general debate is exhausted, and the Clerk will read the bill.

The Clerk read the first section of the bill, as follows:

Be it enacted, etc., That after the 3d day of March, 1913, the House of Representatives shall be composed of 433 Members, to be apportioned among the several States as follows:

Alabama, 10.
Arkansas, 7.
California, 11.
Colorado, 4.
Connecticut, 5.
Delaware, 1.
Florida, 4.
Georgia, 12.
Idaho, 2.
Illinois, 27.
Indiana, 13.
Iowa, 11.
Kansas, 8.
Kentucky, 11.
Louisiana, 8.
Maine, 4.
Maryland, 6.
Massachusetts, 16.
Michigan, 13.
Minnesota, 10.
Mississippi, 8.
Missouri, 16.
Montana, 2.
Nebraska, 6.
Nevada, 1.
New Hampshire, 2.
New Jersey, 12.
New York, 43.
North Carolina, 10.
North Dakota, 3.
Ohio, 22.
Oklahoma, 8.
Oregon, 3.
Pennsylvania, 36.
Rhode Island, 3.
South Carolina, 7.
South Dakota, 3.
Tennessee, 10.
Texas, 18.
Utah, 2.
Vermont, 2.
Virginia, 10.
Washington, 5.
West Virginia, 6.
Wisconsin, 11.
Wyoming, 1.

Mr. CAMPBELL. Mr. Chairman, I offer the following amendment in the nature of a substitute.

The Clerk read as follows.

Strike out all after the enacting clause and insert:

"That after the 3d day of March, 1913, the House of Representatives shall be composed of 391 Members to be apportioned among the several States as follows:

"Alabama, 9.
"Arkansas, 7.
"California, 10.
"Colorado, 3.
"Connecticut, 5.
"Delaware, 1.
"Florida, 3.
"Georgia, 11.
"Idaho, 1.
"Illinois, 24.
"Indiana, 12.
"Iowa, 10.
"Kansas, 7.
"Kentucky, 10.
"Louisiana, 7.
"Maine, 3.
"Maryland, 6.

"Massachusetts, 14.
 "Michigan, 12.
 "Minnesota, 9.
 "Mississippi, 8.
 "Missouri, 14.
 "Montana, 2.
 "Nebraska, 5.
 "Nevada, 1.
 "New Hampshire, 2.
 "New Jersey, 11.
 "New York, 39.
 "North Carolina, 9.
 "North Dakota, 2.
 "Ohio, 20.
 "Oklahoma, 7.
 "Oregon, 3.
 "Pennsylvania, 33.
 "Rhode Island, 2.
 "South Carolina, 7.
 "South Dakota, 2.
 "Tennessee, 9.
 "Texas, 17.
 "Utah, 2.
 "Vermont, 2.
 "Virginia, 9.
 "Washington, 5.
 "West Virginia, 5.
 "Wisconsin, 10.
 "Wyoming, 1.

"SEC. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census, they shall have one Representative each; and if one of such Territories shall so become a State, such State shall have one Representative, which Representative or Representatives shall be in addition to the number 391, as provided in section 1 of this act; and all laws and parts of laws in conflict with this section are to that extent hereby repealed.

"SEC. 3. That as soon as the fourteenth and each subsequent decennial census of the population of the several States, as required by the Constitution, shall have been completed and returned to the Department of Commerce and Labor, it shall be the duty of the Secretary of said department to ascertain the aggregate population of all the States and of each State separately, excluding Indians not taxed; which aggregate population he shall divide by the number 400, and the product of such division, excluding any fraction of a unit that may happen to remain, shall be the ratio of apportionment of Representatives among the several States under such census; and the Secretary of said department shall then proceed to divide the total Representative population of each State by the ratio as determined, and each State shall be assigned one Representative for each full ratio of population therein and an additional Representative for any fraction equal to or greater than a moiety of such ratio, but in no case shall a Representative be assigned for a fraction less than a moiety of such ratio; and each State shall have at least one Representative; and the aggregate number of Representatives so assigned to the States shall constitute the total membership of the House of Representatives under such census; and as soon as practicable after the Secretary of said Department shall have ascertained the number of Representatives to which each State is entitled under any decennial census, in the manner herein provided, he shall make out and transmit to the House of Representatives a certificate of the number of Representatives so apportioned to each State, and he shall likewise make out and transmit without delay to the executive of each State a certificate of the number of Representatives apportioned to such State.

"SEC. 4. That in each State entitled under this or any subsequent apportionment to more than one Representative the Representatives to the Sixty-third and each subsequent Congress shall be elected by districts composed of contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

"SEC. 5. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be selected by the State at large, and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner herein prescribed, and if there be no change in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed; but if the number of Representatives in any State shall be reduced, all of the Representatives in such State shall be elected by the State at large until such State shall be redistricted as herein prescribed."

During the reading of the amendment the following occurred:

Mr. CRUMPACKER. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CRUMPACKER. I make the point that a substitute for the entire bill is not yet in order.

The CHAIRMAN. The first section of the bill has been read, and the gentleman from Kansas offers a substitute for the entire bill, which is in order to be read, but a vote on the substitute can not be had until the bill itself has been perfected.

Mr. CRUMPACKER. In the first place, Mr. Chairman, it occurs to me that an amendment is not in order for the entire bill. The gentleman had a right to move a substitute for the first section, notifying the committee at the time that he would move to substitute for each section as it was read. What I object to is that the gentleman from Kansas ought not to appropriate the committee amendments. The Committee on the Census has authorized certain amendments to section 2 and a certain amendment as a new section. I think the committee has preference to propose these amendments.

The CHAIRMAN. The Chair will state that a vote on the substitute will not be taken until the bill has been read through and perfected.

Mr. SIMS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SIMS. When the reading of the substitute is concluded, is it not subject to discussion paragraph by paragraph?

The CHAIRMAN. It has not yet been read.

Mr. STAFFORD. Mr. Chairman, is it in order to offer an amendment to section 1 after the substitute has been read?

The CHAIRMAN. Certainly. It is in order to offer an amendment to any section after it has been read. The Clerk will proceed with the reading of the bill.

The Clerk proceeded and completed the reading of the substitute.

Mr. ELVINS. I desire to offer an amendment to section 4 of the substitute.

The CHAIRMAN. That amendment will be in order when the substitute comes up for consideration.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment to section 1 of the bill, to strike out all after the word "follows" and insert the matter which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 1, line 5, strike out "four hundred and thirty-three" and insert "three hundred and ninety-one;" also strike out all of the remainder of section 1 after the word "follows," in line 6, page 1, and insert in lieu thereof the following:

"Alabama, 9.
 "Arkansas, 7.
 "California, 10.
 "Colorado, 3.
 "Connecticut, 5.
 "Delaware, 1.
 "Florida, 3.
 "Georgia, 11.
 "Idaho, 1.
 "Illinois, 24.
 "Indiana, 12.
 "Iowa, 10.
 "Kansas, 7.
 "Kentucky, 10.
 "Louisiana, 7.
 "Maine, 3.
 "Maryland, 6.
 "Massachusetts, 14.
 "Michigan, 12.
 "Minnesota, 9.
 "Mississippi, 8.
 "Missouri, 14.
 "Montana, 2.
 "Nebraska, 5.
 "Nevada, 1.
 "New Hampshire, 2.
 "New Jersey, 11.
 "New York, 39.
 "North Carolina, 9.
 "North Dakota, 2.
 "Ohio, 20.
 "Oklahoma, 7.
 "Oregon, 3.
 "Pennsylvania, 33.
 "Rhode Island, 2.
 "South Carolina, 7.
 "South Dakota, 2.
 "Tennessee, 9.
 "Texas, 17.
 "Utah, 2.
 "Vermont, 2.
 "Virginia, 9.
 "Washington, 5.
 "West Virginia, 5.
 "Wisconsin, 10.
 "Wyoming, 1."

Mr. HARDY. Mr. Chairman, a parliamentary inquiry. Is not that the same measure that was offered as a substitute?

Mr. STAFFORD. The purpose of the amendment, which I sent to the Clerk's desk and which I ask to have adopted, is identical in the enumeration to that which was included in the substitute offered by the gentleman from Kansas, but the gentleman in his substitute offered more than an amendment to section 1. Under the ruling of the Chair no vote can be had on the amendment offered by the gentleman from Kansas until we had completed the entire reading of the bill.

Mr. HARDY. Then I understand the gentleman offers this in order to get the advantage of a vote first?

Mr. STAFFORD. Yes; in order to test the sense of the committee, and in order not to lose any rights which might be waived in case we should suspend the vote until the entire bill had been read. There may be Members here who may not agree to other provisions of the substitute offered by the gentleman from Kansas. I think the committee wishes to vote on this question, and I wish to bring the question before the committee so that they can vote at the present moment. The question before the committee, concerning which the Members have undoubtedly made up their minds, is whether there should be a House of 423 Members or of 391 Members. We can now have a vote on that issue, on the amendment offered by me.

Mr. BENNET of New York. May I ask the gentleman a question?

Mr. STAFFORD. Certainly.

Mr. BENNET of New York. Is the gentleman's amendment in direct accordance with the decision of the recent gathering of the Republican Members of this House?

Mr. STAFFORD. It is in entire accordance with the decision of the Republican Members of this House.

Mr. SIMS rose.

The CHAIRMAN. The gentleman from Tennessee.

Mr. THOMAS of North Carolina. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS of North Carolina. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Wisconsin [Mr. STAFFORD]. Is that in order?

The CHAIRMAN. Not until the gentleman is recognized. The Chair has recognized the gentleman from Tennessee.

Mr. SIMS. I want to appeal to every Member of this House who lives in a rural district like the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Iowa [Mr. PICKETT] to think what they are doing before they vote upon this measure. Every census shows that the cities are increasing in population over the country districts, and current history shows and current events prove that, upon an average, the Representative from a city district is not more competent to act upon this floor as an American Representative than is the Representative from a country district. This amendment offered by the gentleman from Wisconsin reduces the membership of agricultural States, like Missouri, Illinois, Indiana, Ohio, Kentucky, North Carolina, Tennessee, and others. Yet the great cities will retain their full membership. The day will come—

Mr. CALDER. Will the gentleman yield?

Mr. SIMS. In a moment. It is only a matter of calculation to know and determine when the great cities of this country will have a majority in this House. I would not object to taking from a State representation when that State has lost population, but here we have a bill for 433, which increases the number of people represented by the Representatives on this floor and does not reduce the representation of the rural districts in the country. [Applause and cries of "Vote!"] Now, I ask the gentlemen who represent rural constituents to stand by the farmers of this country, who fight the battles, who furnish the statesmen and the patriotic motives. [Applause and cries of "Vote! Vote!"]

Mr. COOPER of Wisconsin. How about reciprocity?

Mr. SIMS. I am for it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote! Vote!"]

Mr. SIMS. Mr. Chairman, I ask unanimous consent to continue for five minutes. [Cries of "Vote! Vote!"]

The CHAIRMAN. The Chair suggests to the committee that it will reach a vote quicker by order than by disorder. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Reserving the right to object—

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee.

Mr. COOPER of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. SIMS. Certainly.

Mr. COOPER of Wisconsin. The gentleman has observed the ease with which he addresses the House on this occasion. Does he think if the membership was largely increased it would be better? [Laughter and applause.]

Mr. SIMS. Well, not from the large cities; and if ever we have revolution and mob violence in this country, and our civil government is overturned, it will come from such places as that. [Cries of "Vote!" and "Louder!"]

The CHAIRMAN. The Chair will protect the gentleman from Tennessee.

Mr. SIMS. Mr. Chairman, I can not get order.

The CHAIRMAN. The Chair will state that the Chair will exercise the services of the Sergeant at Arms if the committee is not in order.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Tennessee one other question?

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. Under the bill as proposed by the Committee on the Census will not the increase of 30 or 40 come just as much from the cities as from the country?

Mr. SIMS. Yes; but the decrease under the bill you support comes from the country. [Applause.] That is what I oppose.

It is where the decrease comes from. [Applause and cries of "Vote!"] I am surprised—

Mr. COOPER of Wisconsin. The gentleman is not half as much surprised as I am. [Laughter and applause.]

Mr. SIMS. Let me say a word. I can not yield more. I want to say that I am surprised that the gentleman from Wisconsin, coming from the State of Wisconsin— [Applause and cries of "Vote!"]

Mr. Chairman, if this applause is meant in disrespect, I will say to Members that I do not want their applause.

The CHAIRMAN. The gentleman from Tennessee will suspend until the committee is in order.

Mr. OLMSTED. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLMSTED. Would it not be easier to maintain order if we had a larger House? [Laughter.]

The CHAIRMAN. The Chair thinks that is not a parliamentary inquiry.

Mr. SIMS. Mr. Chairman, I want to repeat what I tried to say, and that is that I am surprised that a gentleman from the State of ROBERT M. LA FOLLETTE would get up here and advocate anything in the interest of the great cities of this country, who know not or care not for popular government. Mr. Chairman, the Chair has been good to me, and has exercised his best efforts to keep order, but when the rights of the plain people, the rural population, are assailed, gentlemen here cry, "Vote! Vote!" Now, Mr. Chairman, let them vote. [Applause.]

Mr. GUERNSEY. Mr. Chairman, I offer the following amendment.

Mr. COOPER of Wisconsin. Mr. Chairman—

Mr. THOMAS of North Carolina. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS of North Carolina. I understood the gentleman from Wisconsin [Mr. STAFFORD] to offer an amendment providing 391 Members as a substitute for the bill reported from the committee. Is that correct?

The CHAIRMAN. The gentleman from Wisconsin has offered an amendment to the first section of the bill as reported from the committee, which amendment has been reported to the House. The gentleman from Maine [Mr. GUERNSEY] now offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by inserting after the word "Maine" the word "four" in place of "three."

Mr. THOMAS of North Carolina. Mr. Chairman, now I desire to offer an amendment.

The CHAIRMAN. The gentleman is recognized to have his amendment read in his time.

Mr. THOMAS of North Carolina. I desire to offer the amendment at the proper time.

The CHAIRMAN. The Chair will recognize the gentleman in due time. The question is on agreeing to the amendment offered to the amendment by the gentleman from Maine.

Mr. GUERNSEY. Mr. Chairman, I am opposed to the amendment of the Crumpacker bill which has just been proposed by the gentleman from Kansas and which, if adopted, would continue the present membership of the House. Although I attended the Republican caucus which favored limiting the House to its present membership, yet I gave notice then and there that I would not be bound by the action of the caucus to the extent of being compelled to vote for a reduction of the representation from my own State. I claim to be a Republican and believe in party action and party caucuses, nevertheless, I contend that no party caucus has a right to step between me and my State when the extent of its representation in Congress is in question. Therefore I contend that my action in refusing to be bound by the caucus is perfectly justifiable.

With all the growth that has taken place in our population and in our Government, no man can justify his refusal to vote for a moderate increase in the representation here unless he can demonstrate that the increase will impair the Representatives' usefulness of this the popular branch of the Government. Much less can any Member whose State would lose representation in Congress, but for the passage of the Crumpacker bill, vote against it. Therefore I am in favor of increasing the membership of this House so that no State will lose the representation which it now has, and I further believe that with the increase constituencies will be better represented and served.

The time has not yet come, and I hope it will never come, when the people of this country will look with apprehension on the growth and strength of the Federal Government. Its power will only become dangerous through the reduction of representation here and the concentration of its control in the hands of too small a body of men bound together by close organization.

The scope of the Federal Government has increased in the last 20 years more than in the preceding 100 years. The centralization of control at Washington is being promoted to-day on every hand, and it has increased far more rapidly than is appreciated by the ordinary busy citizen. The demands of the public on Congress for more Federal authority and activities are extending its scope in a thousand directions and are responsible for the growing centralization of the Washington Government.

With the institution of Federal activities, the burdens of the Government are fast increasing, requiring an increase of its taxing power, which, in turn, still further increases its control over persons and property. The corporation tax is only a modified income tax, which will be followed by a general income tax, excise taxes, and internal taxes of various kinds, all of which are of a class that are capable of being rapidly increased, and from time to time will, of necessity, be increased.

It is evident that the indirect methods of taxation through customs duties on merchandise that crosses our borders will become less and less sufficient to meet Federal expenditures. Whether we continue the policy of combined revenue and protection duties or adopt the policy of a revenue tariff pure and simple, I have no doubt our forefathers believed that the Federal Government would be maintained, except in cases of emergency, nearly, if not quite, by customs revenue, and that direct taxation would be exercised mainly by the States.

Be that as it may, direct taxation by the Federal Government is with us to stay and is coming in increasing amounts. More and more in the future the public will see their tax bills dated at Washington.

The Government has long maintained a monopoly of the postal service, which is the most important service to the public as a whole that is performed by the Federal Government. This service is being extended through the establishment of rural routes and by other means tremendously each year. Federal authority is being extended more and more over the great transportation lines of the country. Its authority is being extended to the control of various means of communication, such as the telephone, telegraph, and wireless corporations, and will be extended from time to time until it controls country-wide public-service corporations of every class.

Postal savings banks will develop a great national savings department controlled by the Government at Washington, a great central bank, in fact, with thousands of branches in the post offices of the land. The National Monetary Commission is striving to arrive at a plan that will place the whole banking system of the United States under some general plan controlled by Federal authority.

The Federal Government exercises a guardianship over our food supplies and conducts investigations in hundreds of directions. Its authority over education is being extended; in fact, every walk of life is being fast brought in contact with the activities of the Government at Washington. More and more the citizens of the Republic will look to it for protection and for service.

Another element that is entering into the situation and which will vastly augment the authority of the Washington Government is that the power that capital represents is preparing to turn in the future from State control toward the Federal control, seeking to deal with one strong central authority to secure stability rather than continue under control of the diversified laws of the several States.

Again, there are other elements which are increasing the influence of the Federal authority. The great growth of our population is reducing rapidly the relative representation of the people at the seat of our Federal Government. The States to-day are entitled under the Constitution to no greater representation in the Senate per State than when they included only about 3,000,000 people instead of about 94,000,000, as at the present time.

The individual Members in the first House of Representatives each represented about 33,000 people. To-day each Member in the present House—on the present basis of population—represents about 250,000 people, yet there are Members who would reduce membership in this body to 200, and cause each Member to represent districts containing nearly a half million citizens, and some Members, I believe, would go further and put through a rule that would eliminate all voting power and reduce control to the Speaker and chairman of the Committee on Rules.

Our representation in the Senate is limited by the Constitution. Only the membership of this House can be regulated from time to time, and, as shown, that is being scaled down relatively by the growth of our population. We may well take warning and not further scale it down by legislation, and in doing that take from some States a part of the representation

they now have. The whole tendency of the Government in its legislative branch seems to be toward contraction. That is particularly true in this House. It led to an explosion here last March, and it will again. This was due to the rules. Nevertheless, they are very necessary to forward legislation, for without them business in the House would become impossible and legislative action by it become paralyzed, but, like other methods of concentration, may become bad unless constantly guarded against.

Some contend that the present membership should be continued by cutting off the representation of some of the States and transferring it to others and thereby save some expense that would otherwise be incurred by increasing the membership of the House, but with the Government of the United States imposing taxes at the rate of hundreds of millions of dollars annually it looks like a penny-wise and pound-foolish idea for the slow-growing States to consent to the surrender of representation and voice in the imposition and distribution of these vast sums in order to save a few paltry thousands.

But the proposers of such a policy contend that the relative membership of a State—the State of Maine for instance—if no increase takes place in the House will be the same in the event that her representation is cut down to three that it would be if it were maintained at four as at present. That argument would hold true and be equally as valid if the present membership was cut down to a point where Maine would be entitled to but one. But none should be misled by such false reasoning. It would be impossible for the 742,371 people of the State of Maine to be equally as well represented and served here at the Capitol by one Member as it is at the present time with four, and a reduction to three would simply weaken the service to that extent.

The increased size of districts that would follow reduction of our membership to three would greatly impair the usefulness of Members, as it is of the greatest importance that a Member should be thoroughly acquainted with the requirements of his district, and in order to do so he must spend a good portion of the recess between sessions going about his district meeting as many of his constituents as possible, thereby acquainting himself at first hand with their needs and desires and enabling himself thereby to act in accord with their wishes on the important matters that arise when the Congress is in session.

With our Maine districts at their present size every Member realizes how difficult it is to go about them in the time that he has at his disposal and with the thoroughness that is desirable.

The fourth Maine district is larger than either of the States of New Hampshire, Vermont, Massachusetts, Rhode Island, or Connecticut, in fact it is larger than the combined area of Massachusetts, Rhode Island, and Connecticut, which have an area of 14,479 square miles, while the fourth Maine district has an area of 15,744 square miles.

A Member of Congress is not only expected to serve his constituents on the floor of the House, but in the capital as a whole. With the great extension of Federal activities have grown up great bureaus and departments whose operations are of the most vital importance to constituents.

They require daily representation at these bureaus and departments for the purpose of securing information in regard to matters pending in them. Correspondence with the department by the Member will not in all cases meet the situation. He must call at the Department of State in the interests of a constituent whose personal or property interests have been affected by some foreign action, or at the Department of Agriculture to secure some special information that a farmer or the farmers of his district desire, or at the Department of Commerce and Labor to secure relief from regulations, or visit the Pension Bureau to present the case of an old soldier who has become helpless and entitled to further allowance, and attention of like nature is required at a great number of other bureaus and departments that I might mention.

Owing to these extensive duties entirely outside legislative service the volume of correspondence of every Member has multiplied many times in recent years. Reduce the membership of the State of Maine to three Members, thereby increasing the number of constituents that each Member will represent by nearly 60,000, and it will be seen that the whole service of each district at the seat of Government will suffer, as there is a limit to the capacity of every man and the hours of the day are numbered.

Each Member at present represents, in my opinion, a far larger number of people than should be allotted to him. If we still further increase it to perhaps 250,000 per Member, the service of districts at Washington will be greatly impaired. We are contending for the continuance of representative and popular government and to enable the people to have the largest possible

voice in it, yet it is a fact that European countries, with all their hidebound monarchical traditions and tendencies, grant greater representation to their people in the lower house of government than we do in this.

I call attention to tables taken from the Statesman's Year-book for 1910 to prove this contention, that the popular branches of the legislatures of the leading countries of Europe contain greater representation in proportion to population than does our own House of Representatives in the United States.

| Countries. | Census year. | Number of members in lower house. | Ratio of members to population. | Population on which ratio is based. |
|----------------------|--------------|-----------------------------------|---------------------------------|-------------------------------------|
| United Kingdom: | | | | |
| English members..... | 1901 | 495 | 65,712 | 32,527,843 |
| Scotch members..... | 1901 | 72 | 62,112 | 4,472,103 |
| Irish members..... | 1901 | 103 | 43,289 | 4,453,775 |
| Total..... | 1901 | 670 | 61,878 | 41,453,721 |
| Austria..... | 1900 | 516 | 50,679 | 26,150,708 |
| Belgium..... | 1900 | 166 | 40,322 | 6,693,548 |
| Denmark..... | 1906 | 114 | 22,853 | 2,605,268 |
| France..... | 1906 | 584 | 67,212 | 39,252,245 |
| Germany..... | 1905 | 397 | 155,546 | 60,641,278 |
| Greece..... | 1907 | 235 | 11,198 | 2,631,952 |
| Hungary..... | 1900 | 453 | 42,504 | 19,254,550 |
| Italy..... | 1901 | 508 | 63,927 | 32,475,253 |
| Netherlands..... | 1908 | 100 | 58,232 | 5,825,198 |
| Norway..... | 1900 | 123 | 18,211 | 2,240,032 |
| Portugal..... | 1900 | 148 | 36,507 | 5,423,132 |
| Spain..... | 1900 | 406 | 45,857 | 18,618,086 |
| Sweden..... | 1908 | 230 | 23,606 | 5,429,600 |
| Switzerland..... | 1908 | 167 | 21,313 | 3,559,349 |

Some contend that the House will become unwieldy through further increase of its membership, but from my observation I do not believe the increase contemplated will bring about any condition of that kind other than that which now exists. The average membership in attendance upon the House is always considerably below the full membership. Only when there are extremely important matters does the entire membership come in to vote, and then, as a rule, the Members act in parties, and there is nothing unwieldy in the control of the House or its dispatch of business on such occasions. The detail work in legislation always has been conducted by committees, and always will be.

Furthermore, with the great power that is always delegated to the Rules Committee to bring in a rule which will dispatch business by limiting debate and fixing the day and hour for vote on important measures, the number of the membership of the House can not interfere with the efficiency of the action of the House. There is far more danger of having the popular branch of the Government too small. The Crumpacker bill is a measure that grants an increase to the people in their representation here. It maintains their voice in the rapidly developing powers of the Federal Government. It does not seek to exclude them from the Halls of Congress.

I am in favor of the Crumpacker bill, as it does not take from any State the membership it now has. I am in favor of the Crumpacker bill, as it is in line with the action of every Congress that has acted on the question of Membership since the Government was founded. I am in favor of the Crumpacker bill, as it is in line with the progressive movements of the times that demand full representation in the lawmaking branches of the State and Nation. [Applause.]

The CHAIRMAN. The gentleman from Maine asks unanimous consent to withdraw his amendment and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Chairman, I move that all debate close and a vote be had upon the pending amendment.

Mr. THOMAS of North Carolina. Mr. Chairman, I desire to offer now my amendment to the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

Mr. HEFLIN. Mr. Chairman, I move that all debate close on all amendments in five minutes and that a vote be had.

The CHAIRMAN. Debate can not be closed on the amendment until after it is begun.

Mr. THOMAS of North Carolina. I now offer my amendment. The Clerk read as follows:

Strike out of the proposed amendment the words "three hundred and ninety-one" and insert "four hundred and thirty-seven;" and, after the word "follows," insert the following:

"Alabama, 10.
"Arkansas, 7.
"California, 11.
"Colorado, 4.
"Connecticut, 5.
"Delaware, 1.
"Florida, 4.
"Georgia, 12.
"Idaho, 2.

"Illinois, 27.
"Indiana, 13.
"Iowa, 11.
"Kansas, 8.
"Kentucky, 11.
"Louisiana, 8.
"Maine, 4.
"Maryland, 6.
"Massachusetts, 16.
"Michigan, 13.
"Minnesota, 10.
"Mississippi, 9.
"Missouri, 16.
"Montana, 2.
"Nebraska, 6.
"Nevada, 1.
"New Hampshire, 2.
"New Jersey, 12.
"New York, 43.
"North Carolina, 11.
"North Dakota, 3.
"Ohio, 23.
"Oklahoma, 8.
"Oregon, 3.
"Pennsylvania, 36.
"Rhode Island, 3.
"South Carolina, 7.
"South Dakota, 3.
"Tennessee, 10.
"Texas, 19.
"Utah, 2.
"Vermont, 2.
"Virginia, 10.
"Washington, 5.
"West Virginia, 6.
"Wisconsin, 11.
"Wyoming, 1."

Mr. CRUMPACKER. Mr. Chairman, I raise the point of order on that amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment. The gentleman will state his point of order.

Mr. CRUMPACKER. That it is equivalent to the striking out of the amendment offered by the gentleman from Wisconsin.

The CHAIRMAN. The Chair thinks the gentleman from Indiana did not catch the purport of the amendment.

Mr. THOMAS of North Carolina. The gentleman from Indiana did not understand fully my amendment.

Mr. CRUMPACKER. I hope the gentleman will not insist upon his amendment.

Mr. THOMAS of North Carolina. I do not wish to press an amendment that may be against the wish of Members of the House who favor the committee's bill, but I simply want to make this statement about it: I am for 433 Members, and I offer this amendment to increase the number four more. This amendment is according to the method of 1850, and it seems to me that is simpler and maybe more just and equitable than the method adopted by the committee, which is according to the Wilcox plan of apportionment. This amendment gives North Carolina an additional Member, Texas an additional Member, Mississippi one more, and Ohio one more; in all, 437.

Following the tables prepared by the Census Office, which are in accordance with the clear and plain method of apportionment which has been followed since 1850, these States are entitled to these additional Members.

It seems to me preferable to fix an arbitrary number of Representatives in fixing your ratio of apportionment, which is the method used since 1850, rather than to fix an arbitrary number of population to arrive at the ratio, which is the Wilcox method. Mr. Willcox is a celebrated statistician of Cornell University, but arrives at results by a complicated mathematical calculation. I ask for a vote.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] offered an amendment. The gentleman from North Carolina offers an amendment to the amendment. The question now is on the amendment offered by the gentleman from North Carolina [Mr. THOMAS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] to section 1 of the bill.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. STAFFORD. Division, Mr. Chairman.

The committee divided; and there were—ayes 126, noes 158.

Mr. STAFFORD. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Indiana [Mr. CRUMPACKER] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 125, noes 168.

So the amendment was rejected.

Mr. ELVINS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. ELVINS. To offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. ELVINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 5 of section 1, strike out "four hundred and thirty-three" and insert "four hundred and two," and after the word "follows," in line 6, insert the following:

"Alabama, 9.
"Arkansas, 7.
"California, 10.
"Colorado, 4.
"Connecticut, 5.
"Delaware, 1.
"Florida, 3.
"Georgia, 11.
"Idaho, 1.
"Illinois, 25.
"Indiana, 12.
"Iowa, 11.
"Kansas, 7.
"Kentucky, 10.
"Louisiana, 7.
"Maine, 3.
"Maryland, 6.
"Massachusetts, 15.
"Michigan, 12.
"Minnesota, 9.
"Mississippi, 8.
"Missouri, 15.
"Montana, 2.
"Nebraska, 5.
"Nevada, 1.
"New Hampshire, 2.
"New Jersey, 11.
"New York, 40.
"North Carolina, 10.
"North Dakota, 3.
"Ohio, 21.
"Oklahoma, 7.
"Oregon, 3.
"Pennsylvania, 34.
"Rhode Island, 2.
"South Carolina, 7.
"South Dakota, 3.
"Tennessee, 10.
"Texas, 17.
"Utah, 2.
"Vermont, 2.
"Virginia, 9.
"Washington, 5.
"West Virginia, 5.
"Wisconsin, 10.
"Wyoming, 1."

Mr. ELVINS. Mr. Chairman, the purpose of this amendment is to leave only nine States in the Union to lose one Member each. Under the substitute offered by the gentleman from Kansas [Mr. CAMPBELL] the State of Missouri will be the only State in the Union to lose two Members. Under this provision the State of Missouri, in company with eight other States of the Union, would lose but one Member. This amendment, it occurs to me, is a fair compromise between the 433 and the 391. It will not materially increase the size of the House, and it will save for us much of our State pride. We realize that our State has not kept pace in population with some other States, but we blush at having to lose two Members when no other State loses more than one.

Mr. HAYES. How many does this provide for?

Mr. ELVINS. Four hundred and two; and I regard it as such a fair compromise that all Members of the House can vote for it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ELVINS].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. ELVINS. Division, Mr. Chairman.

The committee divided; and there were—yeas 73, yeas 201.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That when a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 433, as above provided.

Mr. CRUMPACKER. Mr. Chairman, I offer the following committee amendment as a substitute.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Indiana.

The Clerk read as follows:

Strike out section 2 and insert the following in lieu thereof:

"SEC. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census they shall have one Representative each, and if one of such Territories shall so become a State, such State shall have one Representative, which Representative or Representatives shall be in addition to the number 433, as provided in section 1 of this act, and all laws and parts of laws in conflict with this section are to that extent hereby repealed."

The question was taken, and the amendment was agreed to.

Mr. CRUMPACKER. Mr. Speaker, I offer the following committee amendment as a new section.

The Clerk read as follows:

Insert after section 2 the following as a new section:

"That as soon as the fourteenth and each subsequent decennial census of the population of the several States, as required by the Constitution, shall have been completed and returned to the Department of Commerce and Labor, it shall be the duty of the Secretary of said department to ascertain the aggregate population of all the States and of each State separately, excluding Indians not taxed; which aggregate population he shall divide by the number 430, and the product of such division, excluding any fraction of a unit that may happen to remain, shall be the ratio of apportionment of Representatives among the several States under such census; and the Secretary of said department shall then proceed to divide the total representative population of each State by the ratio so determined, and each State shall be assigned one Representative for each full ratio of population therein and an additional Representative for any fraction equal to or greater than a moiety of such ratio, but in no case shall a Representative be assigned for a fraction less than a moiety of such ratio, and each State shall have at least one Representative; and the aggregate number of Representatives so assigned to the States shall constitute the total membership of the House of Representatives under such census. And as soon as practicable after the Secretary of said department shall have ascertained the number of Representatives to which each State is entitled under any decennial census, in the manner herein provided, he shall make out and transmit to the House of Representatives a certificate of the number of Representatives so apportioned to each State; and he shall likewise make out and transmit without delay to the executive of each State a certificate of the number of Representatives apportioned to such State."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk proceeded with and completed the reading of the bill.

The CHAIRMAN. The question is on the committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, line 11, after the word "redistricted," insert the words "by the legislature thereof."

Mr. BARTHOLDT. Mr. Chairman, I hope this committee amendment will not prevail. I trust the bill will be passed as reported by the committee without that amendment, and for this reason: There are quite a number of States where the people are willing to exercise their sovereign right with regard to redistricting their States. The question of redistricting is not one reserved to the legislature by the Constitution of the United States, but it is a sovereign right of the people and the several States. Consequently the people, if they desire to redistrict their States according to their own wish and will, without consulting the legislature, can do so by the initiative and referendum, and this amendment would take away from the people of the State the right to redistrict by that method; and for that reason I hope the amendment will be voted down.

Mr. ELVINS. Mr. Chairman, in opposition to this committee amendment, I want to say, in the first place, that the Congress of the United States has no right under the Constitution to designate by law that the districting of the States shall be made by the legislature of that State. I doubt whether Congress has the power to say that the States shall send their Representatives to Congress from districts at all, or that they shall be sent from the States at large. The only power in that connection reserved in the Constitution is that of reapportioning or reallocoting, every decade, the number of Representatives to which each State may be entitled. This very section of the Constitution has been passed upon by this House, and I ask attention of Members of the House while I read an excerpt from a very important report made by that great, unbiased commentator on the Constitution, Daniel Webster, whose opinion coincides with those of Hamilton, Madison, Story, Kent, and others of the Nation's greatest statesmen and jurists.

In the Twenty-second Congress an elaborate report was presented by Mr. Webster on the subject of apportionment. In the course of this exhaustive statement he discusses the very question which is here involved. The following extract is fairly representative of the rest of the report on that phase of the question:

Whether the subdivision of the representative power within any State, if there be a subdivision, be equal or unequal, or fairly or unfairly made, Congress can not know and has no authority to inquire. It is enough that the State presents her own representation on the floor of Congress in the mode she chooses to present it. If a State were to give to one portion of her territory a Representative for every 25,000 persons and to the rest a Representative only for every 50,000, it would be an act of unjust legislation, doubtless, but it would be wholly beyond redress by any power in Congress because the Constitution has left all this to the State itself.

I desire to say further, Mr. Chairman, that I am sure that this committee amendment was inserted in the bill at the request of certain Democratic Members of the House who seemed to be afraid that the Republican governor of the State of Missouri, by authority of a statute passed by a Democratic legis-

lature of the State at a time when a Republican governor was not anticipated, would have something to do with the redistricting of the State and would correct the present unfair Democratic gerrymander. Certain Members on that side, notwithstanding their oft-expressed views upon State rights, now pretend to believe that Congress has the right to say how and by whom the redistricting shall be done, but the truth lies in their fear that, under the veto power of the governor of my State or under the initiative and referendum in force there, tortuous and shoe-string districts will become a thing of the past, and that the Republicans of the State who now constitute a majority of its electors will come into their own in a fair representation in this House.

I maintain that the State of Missouri and the other States of the Union have the right themselves to say by what method their Representatives shall be sent here, whether by districts or at large, and the Democratic gentlemen who maintain that the State has no such right are assuming a position that they have not heretofore been true to and one that is wholly at variance with their pet theory of State rights.

The situation in the State of Missouri at present, Mr. Chairman, is that we have a Democratic legislature and a Republican governor. If a Democratic legislature passes a fair bill redistricting the State, the Republican governor will sign it. If it passes a notoriously unfair bill, as it has done in every decade for the past 30 years, the Republican governor will not sign it. This amendment is merely a clever Democratic "joker," my Republican friends, and was craftily put into the bill to prevent Missouri, by restrictions, from making a fair districting of her Representatives the next time that the State is redistricted. [Applause on the Republican side.]

The CHAIRMAN. The question is on the committee amendment, which, without objection, the Clerk will again report.

There was no objection, and the Clerk again reported the amendment.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman. Is that the substitute which the gentleman from Indiana [Mr. CRUMPACKER] offered?

The CHAIRMAN. The gentleman from Indiana offered it for the committee. It is the amendment reported by the committee. The question is on agreeing to the amendment.

The question was taken; and on a division (at the suggestion of the Chair) there were—ayes 157, noes 146.

Mr. ELVINS. Tellers, Mr. Chairman.
Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri [Mr. ELVINS] and the gentleman from Indiana [Mr. CRUMPACKER] will take their place as tellers.

The committee again divided; and the tellers reported—ayes 150, noes 142.

So the amendment was agreed to.

The CHAIRMAN. The question now recurs on the substitute.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment to the substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all after the word "1913," in the third line of the substitute, on the first page, and insert in lieu thereof the following:

"SEC. 2. That so soon as the Director of the Census shall complete and report to the Secretary of Commerce and Labor the enumeration of the inhabitants of the several States heretofore taken, including the number of males in the respective States who are literate and illiterate, respectively, it shall be the duty of the said Secretary of Commerce and Labor to ascertain the aggregate representative population of the United States by deducting from the whole number of persons in each State Indians not taxed, and a number in proportion to male inhabitants in any State being 21 years of age and citizens of the United States who, by the constitution or laws of such State, are denied the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, as illiterate, which aggregate population he shall divide by the number 433; and the product of such division, rejecting any fraction of a unit if any such happens to remain, shall be the ratio or rule of apportionment of Representatives among the several States under such enumeration. And the said Secretary of Commerce and Labor shall then proceed in the same manner to ascertain the representative population of each State, and to divide the whole number of representative population of each State by the ratio already determined by him as above directed; and the product of this last division shall be the number of Representatives apportioned to such State: *Provided*, That the loss in the number of Members caused by the fractions remaining in the several States on the division of the population thereof shall be compensated for by assigning to so many States having the largest fractions one additional Member each for its fraction, as may be necessary to make the whole number of Representatives 433.

"SEC. 3. That when the Secretary of Commerce and Labor shall have apportioned the Representatives in the manner above directed among the several States, he shall, as soon as practicable, make out and transmit, under the seal of his office, to the House of Representatives a certificate of the number of Members apportioned to each State;

and shall likewise make out and transmit, without delay, to the executive of each State a certificate, under his seal of office, showing the number of Members apportioned to such State.

"SEC. 4. That in each State entitled under this apportionment to more than one Representative, the Representatives to the Sixty-third and each subsequent Congress shall be elected by districts composed of contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

"SEC. 5. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be selected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner herein prescribed; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed. In case of a decrease in the number of Representatives in any State under this apportionment such decreased number of Representatives shall be selected by the State at large until such State shall be redistricted in the manner herein prescribed.

"SEC. 6. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census they shall have 1 Representative each, and if one of such Territories shall so become a State, such State shall have 1 Representative, which Representative or Representatives shall be in addition to the number 433, as provided in section 1 of this act, and all laws and parts of laws in conflict with this section are to that extent hereby repealed.

"SEC. 7. That as soon as the fourteenth and each subsequent decennial census of the population of the several States, as required by the Constitution, shall have been completed and returned to the Department of Commerce and Labor, it shall be the duty of the Secretary of said department to ascertain the aggregate population of all the States and of each State separately, excluding Indians not taxed; which aggregate population he shall divide by the number 430, and the product of such division, excluding any fraction of a unit that may happen to remain, shall be the ratio of apportionment of Representatives among the several States under such census; and the Secretary of said department shall then proceed to divide the total representative population of each State by the ratio so determined, and each State shall be assigned one Representative for each full ratio of population therein and an additional Representative for any fraction equal to or greater than a moiety of such ratio, but in no case shall a Representative be assigned for a fraction less than a moiety of such ratio, and each State shall have at least one Representative; and the aggregate number of Representatives so assigned to the States shall constitute the total membership of the House of Representatives under such census. And as soon as practicable after the Secretary of said department shall have ascertained the number of Representatives to which each State is entitled under any decennial census, in the manner herein provided, he shall make out and transmit to the House of Representatives a certificate of the number of Representatives so apportioned to each State; and he shall likewise make out and transmit without delay to the executive of each State a certificate of the number of Representatives apportioned to such State."

Mr. BENNET of New York. Mr. Chairman, the second section of the fourteenth amendment to the Constitution of the United States, under which we are reapportioning the membership of this House, reads in part as follows:

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged—

And some other immaterial language; then—

the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The census which we have taken under a law enacted by Congress includes an inquiry into the question of the literacy of the various people of the United States. The results of that inquiry will be reported by the Director of the Census to the Secretary of Commerce and Labor. It will then be in order, if this amendment is agreed to, for the Secretary of Commerce and Labor to make a mathematical reapportionment based upon the authority of the bill, which is taken, so far as the structure is concerned, almost literally from the reapportionment act of 1850.

Mr. LANGLEY. Will the gentleman from New York yield?

Mr. BENNET of New York. I must decline to yield. I have but five minutes. Some few moments since, the gentleman from Tennessee [Mr. AUSTIN] said that he had held up his right hand in this House and had taken an oath to serve his constituents. If the gentleman from Tennessee took that oath, it was an extra and unconstitutional oath, because the oath which we take is:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The fourteenth amendment is a part of the Constitution, and is as binding as any other part, as binding as the whole instrument, and we have no moral right to reapportion without that reapportionment being in strict accord, so far as we can obtain the truth, with the second section of the fourteenth amendment.

This question, if it is not determined right now, will come up again and again until it is settled right, for no great wrong can long survive in this American Republic or survive in any Republic without imperiling that Republic. We are now, both North and South, in several States of the Union disfranchising people enfranchised by this Constitution. The amendment which I propose is the constitutional method of reapportionment, and I trust that it will be adopted by this House and by a vote of the majority party in the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET of New York) there were—ayes 90, noes 154.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Kansas.

The question was taken, and the substitute was rejected.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 30566, the apportionment bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CRUMPACKER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. CAMPBELL. Mr. Speaker, I move to recommit the bill.

The SPEAKER. That motion would be in order after the engrossment and third reading of the bill. The question is on ordering the previous question on the bill and amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BARTHOLDT. Mr. Speaker, I demand a separate vote on the committee amendment in section 5, inserting the words "by the legislature thereof."

The SPEAKER. The Clerk will report the amendment referred to by the gentleman from Missouri, on which he demands a separate vote.

The Clerk read as follows:

Page 4, line 11, after the word "redistricted," insert the words "by the legislature thereof."

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] The vote will be taken on the remaining amendments. The question is on agreeing to the amendments.

The question was taken, and the remaining amendments were agreed to.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote was demanded.

The Clerk read as follows:

Page 4, line 11, after the word "redistricted," insert the words "by the legislature thereof."

The SPEAKER. The question is on agreeing to the amendment.

Mr. TAWNEY. Mr. Speaker, I demand the yeas and nays.

Mr. BARTHOLDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 161, answered "present" 4, not voting 62, as follows:

YEAS—158.

| | | | |
|----------------|-------------|-----------------|--------------|
| Adair | Burgess | Cravens | Foster, Ill. |
| Adamson | Burleson | Cullop | Gallagher |
| Aiken | Burnett | Dent | Garner, Tex. |
| Alexander, Mo. | Byrd | Denver | Garrett |
| Anderson | Byrns | Dickinson | Gill, Mo. |
| Ansberry | Candler | Dickson, Miss. | Glass |
| Ashbrook | Carlin | Dies | Godwin |
| Barnhart | Carter | Dixon, Ind. | Goldfogle |
| Bartlett, Ga. | Clark, Fla. | Driscoll, D. A. | Gordon |
| Bartlett, Nev. | Clark, Mo. | Dupre | Goulden |
| Beall, Tex. | Clayton | Edwards, Ga. | Graham, Ill. |
| Bell, Ga. | Cline | Ellerbe | Gregg |
| Boehne | Collier | Estopinal | Hamill |
| Bocher | Conry | Ferris | Hamlin |
| Borland | Covington | Finley | Hammond |
| Bowers | Cox, Ind. | Fitzgerald | Hardwick |
| Brantley | Cox, Ohio | Flood, Va. | Hardy |
| Broussard | Craig | Floyd, Ark. | Harrison |

| | | | |
|------------------|----------------|---------------|----------------|
| Havens | Lee | Page | Sisson |
| Hay | Legare | Palmer, A. M. | Slayden |
| Hellin | Lever | Peters | Small |
| Helm | Lively | Pou | Smith, Tex. |
| Henry, Tex. | Livingston | Pujo | Sparkman |
| Hitchcock | Lloyd | Rainey | Splight |
| Houston | McDermott | Randell, Tex. | Stanley |
| Hughes, Ga. | McHenry | Ransdell, La. | Stephens, Tex. |
| Hughes, N. J. | Macon | Ranch | Sulzer |
| Hull, Tenn. | Maguire, Nebr. | Reid | Talbott |
| Humphreys, Miss. | Martin, Colo. | Richardson | Taylor, Ala. |
| James | Maynard | Robinson | Thomas, Ky. |
| Jamieson | Mays | Roddenberry | Thomas, N. C. |
| Johnson, Ky. | Mitchell | Rothermel | Tou Velle |
| Johnson, S. C. | Moon, Tenn. | Rucker, Colo. | Turnbull |
| Jones | Moore, Tex. | Rucker, Mo. | Underwood |
| Keliber | Morrison | Sabath | Webb |
| Kinhead, N. J. | Moss | Saunders | Weisse |
| Kitchin | Nicholls | Shackleford | Wickliffe |
| Korby | O'Connell | Sharp | Wilson, Pa. |
| Lamb | Oldfield | Sheppard | |
| Latta | Padgett | Sims | |

NAYS—161.

| | | | |
|-----------------|-----------------|-------------------|----------------|
| Allen | Esch | Knapp | Olmsted |
| Ames | Fassett | Knowland | Palmer, H. W. |
| Anthony | Fish | Kopp | Parker |
| Austin | Focht | Kronmiller | Parsons |
| Barefield | Foelker | Kuftermann | Pearre |
| Barclay | Fordney | Langham | Pickett |
| Barnard | Foss | Law | Poindexter |
| Bartholdt | Gaines | Lawrence | Pray |
| Bennet, N. Y. | Gardner, Mass. | Lenroot | Prince |
| Bingham | Gardner, N. J. | Lindbergh | Reeder |
| Boutell | Garner, Pa. | Longworth | Roberts |
| Bradley | Gillett | Loud | Rodenberg |
| Burke, Pa. | Goebel | Loudenslager | Scott |
| Burke, S. Dak. | Good | Lowden | Sheffield |
| Calder | Graff | McCall | Slomp |
| Calderhead | Graham, Pa. | McCreary | Smith, Iowa |
| Campbell | Greene | McCredie | Smith, Mich. |
| Cassidy | Griest | McGuire, Okla. | Snapp |
| Chapman | Guernsey | McKinley, Ill. | Southwick |
| Cocks, N. Y. | Hamer | McLachlan, Cal. | Stafford |
| Cole | Hamilton | McLaughlin, Mich. | Steenerson |
| Cooper, Pa. | Hanna | McMorran | Sterling |
| Cooper, Wis. | Hayes | Madden | Stevens, Minn. |
| Cowles | Heald | Madison | Sulloway |
| Creager | Higgins | Malby | Swasey |
| Crow | Hill | Mann | Tawney |
| Crumpacker | Hinshaw | Massey | Taylor, Ohio |
| Currier | Hollingsworth | Miller, Kans. | Tilson |
| Davidson | Howell, N. J. | Miller, Minn. | Townsend |
| Davis | Howell, Utah | Moore, Pa. | Volstead |
| Dawson | Howland | Morehead | Wanger |
| Denby | Hubbard, Iowa | Morgan, Mo. | Weeks |
| Diekema | Hubbard, W. Va. | Morgan, Okla. | Wheeler |
| Dodds | Hull, Iowa | Morse | Wiley |
| Draper | Humphrey, Wash. | Moxley | Wilson, Ill. |
| Driscoll, M. E. | Kahn | Murphy | Woodyard |
| Durey | Kelfer | Needham | Young, Mich. |
| Dwight | Kendall | Nelson | The Speaker |
| Ellis | Kennedy, Iowa | Norris | |
| Elvins | Kennedy, Ohio | Nye | |
| Englebright | Kinkaid, Nebr. | Oleott | |

ANSWERED "PRESENT"—4.

| | | | |
|-----------|---------|---------|--------------|
| Fairchild | Riordan | Watkins | Young, N. Y. |
|-----------|---------|---------|--------------|

NOT VOTING—62.

| | | | |
|------------------|----------------|-----------------|---------------|
| Alexander, N. Y. | Fuller | Lindsay | Sherwood |
| Andrus | Gardner, Mich. | Lundin | Simmons |
| Bates | Gill, Md. | McKinlay, Cal. | Smith, Cal. |
| Bennett, Ky. | Gillespie | McKinney | Sperry |
| Burleigh | Grant | Martin, S. Dak. | Sturgiss |
| Butler | Haugen | Millington | Taylor, Colo. |
| Cantrill | Hawley | Mondell | Thistlewood |
| Capron | Henry, Conn. | Moon, Pa. | Thomas, Ohio |
| Cary | Hobson | Mudd | Vreeland |
| Coudrey | Howard | Murdoch | Wallace |
| Dalzell | Huff | Patterson | Washburn |
| Douglas | Hughes, W. Va. | Payne | Willett |
| Edwards, Ky. | Johnson, Ohio | Plumley | Wood, N. J. |
| Fornes | Joyce | Pratt | Woods, Iowa |
| Foster, Vt. | Lafean | Rhinock | |
| Fowler | Langley | Sherley | |

So the amendment was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Until further notice:

Mr. PLUMLEY with Mr. SHERLEY.

Mr. YOUNG of New York with Mr. FORNES.

Mr. FAIRCHILD with Mr. HOBSON.

Mr. HAWLEY with Mr. CANTRILL.

Mr. WASHBURN with Mr. PATTERSON.

Mr. DALZELL with Mr. TAYLOR of Colorado.

Mr. HENRY of Connecticut with Mr. GILL of Maryland.

Mr. SMITH of California with Mr. WALLACE.

Mr. FOSTER of Vermont with Mr. HOWARD.

Mr. LAFEAN with Mr. GILLESPIE.

Mr. MURDOCK with Mr. RHINOCK.

Mr. THISTLEWOOD with Mr. WILLETT.

Mr. WOOD of New Jersey with Mr. LINDSAY.

Mr. WOODS of Iowa with Mr. SHERWOOD.

Mr. CRUMPACKER. Mr. Speaker, I desire to change my vote.

The SPEAKER. Call the gentleman's name.

Mr. CRUMPACKER's name was called, and he answered "No."

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill be engrossed and read the third time?

The bill was ordered to be engrossed and read a third time.

Mr. CAMPBELL. Mr. Speaker, I move that the bill be re-committed to the Committee of the Whole with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CAMPBELL. I am opposed to the bill. I move to re-commit the same with instructions, to report the same back in the shape of the substitute.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] moves to recommit the bill with the following instructions, which the Clerk will report.

The Clerk proceeded to read the substitute.

Mr. CAMPBELL. Mr. Speaker, this substitute has been read. It was the substitute that was offered, and I ask unanimous consent that it be not read again. It fixes the number at 391, and follows the bill as reported by the committee in other respects. It conforms also to the amendment just rejected by the House.

The SPEAKER. The gentleman from Kansas asks unanimous consent to omit the reading of the substitute which covers the bill, with the exception of the change that he indicates. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. I have stricken out the words "by the legislature thereof," so as to conform to the amendment that has just been voted down. It strikes out "433" and inserts "391."

Mr. HEFLIN. Mr. Speaker, I move to lay the motion of the gentleman from Kansas [Mr. CAMPBELL] on the table.

The SPEAKER. That motion is not in order. The question is on the motion to recommit the bill with instructions.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. CAMPBELL. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 133, nays 171, answered "present" 8, not voting 72, as follows:

YEAS—133.

| | | | |
|-----------------|-----------------|-------------------|----------------|
| Ames | Ellis | Kopp | Olmsted |
| Anthony | Elvins | Kronmiller | Palmer, H. W. |
| Barchfield | Englebright | Küstermann | Parker |
| Barnard | Esch | Law | Parsons |
| Barnhart | Fassett | Lawrence | Pearse |
| Bartholdt | Fish | Lenroot | Pickett |
| Bartlett, Nev. | Focht | Lindbergh | Poindexter |
| Bennet, N. Y. | Foelker | Longworth | Prince |
| Bingham | Foss | Loud | Reeder |
| Bradley | Gardner, Mass. | Loudenslager | Roberts |
| Burke, Pa. | Gardner, N. J. | Lowden | Rodenberg |
| Calder | Garner, Pa. | McCall | Scott |
| Calderhead | Gillett | McCreary | Sharp |
| Campbell | Goebel | McCredie | Sheffield |
| Cary | Good | McKinley, Ill. | Smith, Iowa |
| Cassidy | Graff | McLaughlin, Mich. | Smith, Mich. |
| Chapman | Graham, Pa. | McMorran | Snapp |
| Cocks, N. Y. | Hamilton | Madden | Southwick |
| Cole | Hayes | Madison | Stafford |
| Cooper, Pa. | Higgins | Malby | Sterling |
| Cooper, Wis. | Hinshaw | Mann | Stevens, Minn. |
| Creager | Hollingsworth | Miller, Kans. | Sulloway |
| Crow | Howell, N. J. | Miller, Minn. | Tawney |
| Currier | Howell, Utah | Moore, Pa. | Taylor, Ohio |
| Davidson | Howland | Morehead | Tilson |
| Davis | Hubbard, Iowa | Morgan, Mo. | Townsend |
| Dawson | Hubbard, W. Va. | Morse | Volstead |
| Denby | Humphrey, Wash. | Moxley | Wheeler |
| Dickema | Kelifer | Murphy | Wiley |
| Dodds | Kennedy, Iowa | Needham | Wilson, Ill. |
| Draper | Kennedy, Ohio | Nelson | Young, Mich. |
| Driscoll, M. E. | Kinkaid, Nebr. | Norris | |
| Durey | Knapp | Nye | |
| Dwight | Knowland | Olcott | |

NAYS—171.

| | | | |
|----------------|-------------|-----------------|--------------|
| Adair | Burnett | Dickinson | Godwin |
| Aiken | Byrd | Dickson, Miss. | Goldfogle |
| Alexander, Mo. | Byrns | Dies | Gordon |
| Allen | Candler | Dixon, Ind. | Goulden |
| Anderson | Carlin | Driscoll, D. A. | Graham, Ill. |
| Ansberry | Carter | Dupre | Greene |
| Ashbrook | Clark, Fla. | Edwards, Ga. | Gregg |
| Austin | Clark, Mo. | Ellerbe | Griest |
| Bartlett, Ga. | Clayton | Estopinal | Guernsey |
| Beall, Tex. | Cline | Ferris | Hamer |
| Bell, Ga. | Collier | Finley | Hamill |
| Bennett, Ky. | Conry | Fitzgerald | Hamlin |
| Boehne | Cowles | Flood, Va. | Hammond |
| Booher | Cox, Ind. | Floyd, Ark. | Hanna |
| Borland | Cox, Ohio | Fordney | Hardwick |
| Bowers | Craig | Foster, Ill. | Hardy |
| Brantley | Cravens | Gallagher | Harrison |
| Broussard | Crumpacker | Garner, Tex. | Havens |
| Burgess | Cullop | Garrett | Hay |
| Burke, S. Dak. | Dent | Gill, Mo. | Healin |
| Burleigh | Denver | Glass | Helm |

| | | | |
|------------------|----------------|---------------|----------------|
| Henry, Tex. | Legare | Oldfield | Sisson |
| Hitchcock | Lever | Padgett | Slemp |
| Houston | Lively | Page | Small |
| Hughes, Ga. | Livingston | Palmer, A. M. | Smith, Tex. |
| Hughes, N. J. | Lloyd | Peters | Sparkman |
| Hull, Tenn. | McDermott | Pou | Spight |
| Humphreys, Miss. | McGuire, Okla. | Pujo | Stanley |
| James | McHenry | Rainey | Stephens, Tex. |
| Jameson | Macon | Randall, Tex. | Sulzer |
| Johnson, Ky. | Maguire, Nebr. | Ransdell, La. | Swasey |
| Johnson, S. C. | Martin, Colo. | Rauch | Talbott |
| Jones | Massey | Reid | Taylor, Ala. |
| Kelher | Maynard | Richardson | Thomas, Ky. |
| Kendall | Mays | Robinson | Thomas, N. C. |
| Kinkaid, N. J. | Mitchell | Roddenbery | Tou Velle |
| Kitchin | Moon, Tenn. | Rothermel | Turnbull |
| Korby | Moore, Tex. | Rucker, Colo. | Underwood |
| Lamb | Morgan, Okla. | Rucker, Mo. | Webb |
| Langham | Morrison | Saunders | Weisse |
| Langley | Moss | Shackelford | Wickliffe |
| Latta | Nicholls | Sheppard | Wilson, Pa. |
| Lee | O'Connell | Sims | |

ANSWERED "PRESENT"—8.

| | | | |
|----------|-----------------|---------|-------------|
| Adamson | Fairchild | Pray | Thistlewood |
| Burleson | McLachlan, Cal. | Riordan | Watkins |

NOT VOTING—72.

| | | | |
|------------------|----------------|-----------------|---------------|
| Alexander, N. Y. | Gardner, Mich. | Lindsay | Simmons |
| Andrus | Gill, Md. | Lundin | Slayden |
| Barclay | Gillespie | McKinlay, Cal. | Smith, Cal. |
| Bates | Grant | McKinney | Sperry |
| Boutell | Haugen | Martin, S. Dak. | Steenerson |
| Butler | Hawley | Millington | Sturgiss |
| Cantrill | Heald | Mondell | Taylor, Colo. |
| Capron | Henry, Conn. | Moon, Pa. | Thomas, Ohio |
| Coudrey | Hill | Mudd | Threeland |
| Covington | Hobson | Murdock | Wallace |
| Dalzell | Howard | Patterson | Wanger |
| Douglas | Huff | Payne | Washburn |
| Edwards, Ky. | Hughes, W. Va. | Plumley | Weeks |
| Fornes | Hull, Iowa | Pratt | Willett |
| Foster, Vt. | Johnson, Ohio | Rhinock | Wood, N. J. |
| Fowler | Joyce | Sabath | Woods, Iowa |
| Fuller | Kahn | Sherley | Woodyard |
| Gaines | Lafean | Sherwood | Young, N. Y. |

So the motion to recommit was not agreed to.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. JOHNSON of Ohio with Mr. COVINGTON.

Mr. McLACHLAN of California with Mr. LINDSAY.

On this vote:

Mr. WASHBURN (in favor of 391) with Mr. PATTERSON (in favor of 433).

Mr. DALZELL (in favor of 391) with Mr. TAYLOR of Colorado (in favor of 433).

Mr. HENRY of Connecticut (in favor of 391) with Mr. GILL of Maryland (in favor of 433).

Mr. BUTLER (in favor of 391) with Mr. BURLESON (in favor of 433).

Mr. FAIRCHILD (in favor of 391) with Mr. HOBSON (in favor of 433).

Mr. PLUMLEY (in favor of 391) with Mr. SHERLEY (in favor of 433).

Mr. SMITH of California (in favor of 391) with Mr. WALLACE (in favor of 433).

Mr. FOSTER of Vermont (in favor of 391) with Mr. HOWARD (in favor of 433).

Mr. PRAY (in favor of 391) with Mr. EDWARDS of Kentucky (in favor of 433).

Mr. WOODYARD (in favor of 391) with Mr. HUGHES of West Virginia (in favor of 433).

Mr. ALEXANDER of New York (in favor of 391) with Mr. GRANT (in favor of 433).

Mr. MOON of Pennsylvania (in favor of 391) with Mr. WATKINS (in favor of 433).

Mr. LAFEAN (in favor of 391) with Mr. GILLESPIE (in favor of 433).

Mr. HULL of Iowa (in favor of 391) with Mr. SABATH (in favor of 433).

Mr. THISTLEWOOD with Mr. WILLETT (on apportionment votes).

For balance of this day:

Mr. WOOD of New Jersey with Mr. SLAYDEN.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 31656. An act to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the

Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10348. An act to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city.

The message also announced that the Senate had passed with amendments bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 26722. An act for the relief of Horace P. Rugg;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota; and

H. J. Res. 209. Joint resolution for the relief of Thomas Hoynes.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 20072. An act for the relief of Hans N. Anderson;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.; and

H. R. 31656. An act extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5379. An act to provide for the erection of a monument to commemorate the battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the battle of Guilford Court House, N. C.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOYCE, for seven days, on account of important business.

To Mr. HUBBARD of West Virginia, for 10 days, beginning February 10, 1911, on account of important business.

To Mr. BUTLER, for two days, on account of death in family.

WITHDRAWAL OF PAPERS.

Mr. McCREDIE, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Sarah A. Waite, Sixty-first Congress, no adverse report having been made thereon.

Mr. WICKLIFFE, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Frederick Arbour, Fifty-fifth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that on the bill (S. 9443) providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States the reference may be changed from the Committee on the Public Lands to the Committee on Immigration and Naturalization.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Friday, February 10, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 30280) authorizing the Secretary of the Interior to exchange certain

desert lands for lands within national forests in Oregon, reported the same with amendment, accompanied by a report (No. 2112), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 8868) providing for a permanent resting place for the body of John Paul Jones, reported the same with amendment, accompanied by a report (No. 2114), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries, reported the same without amendment, accompanied by a report (No. 2115), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Kansas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 574) to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Solomon, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, Jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCommon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power, reported the same with amendment, accompanied by a report (No. 2103), which said bill and report were referred to the House Calendar.

Mr. BARTLETT of Georgia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 10431) to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., reported the same without amendment, accompanied by a report (No. 2104), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32341) to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn., reported the same without amendment, accompanied by a report (No. 2105), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 31651) providing for adjustment of conflict between placer and lode locators of phosphate lands, reported the same without amendment, accompanied by a report (No. 2106), which said bill and report were referred to the House Calendar.

Mr. PETERS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31652) to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt., reported the same with amendment, accompanied by a report (No. 2107), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32213) to authorize the city of Portsmouth, N. H., to construct a bridge across the Piscataqua River, reported the same without amendment, accompanied by a report (No. 2108), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32220) to authorize the board of supervisors of the town of Highland, Red Lake County, Minn., to construct a bridge across the Red Lake River, reported the same without amendment, accompanied by a report (No. 2109), which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32400) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J., reported the same without amendment, accompanied by a report (No. 2110), which said bill and report were referred to the House Calendar.

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the resolution of the House (H. Con. Res. 58) providing for the printing of the proceedings upon the

unveiling of the statue of Baron von Steuben, reported the same without amendment, accompanied by a report (No. 2111), which said resolution and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32340) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn., reported the same with an amendment, accompanied by a report (No. 2113), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 32674) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2100), which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 32675) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2101), which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 31106) for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 2116), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 32621) granting a pension to Anna Smith, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PRAY: A bill (H. R. 32676) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes; to the Committee on the Public Lands.

By Mr. CLAYTON: A bill (H. R. 32677) concerning taxable costs in suits at law; to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 32678) to provide for the exchange of national forest timber in New Mexico for private lands lying within the extension limits of the Zuni National Forest; to the Committee on the Public Lands.

By Mr. FLOYD of Arkansas: A bill (H. R. 32679) providing that any person who has heretofore made one or more homestead entries and has failed from any cause to perfect his title to any lands embraced in such entry or entries may make a further homestead entry, and for other purposes; to the Committee on the Public Lands.

By Mr. CAMERON: A bill (H. R. 32680) providing for an election for the removal of the county seat of the county of Cochise, Territory of Arizona, and for other purposes; to the Committee on the Territories.

By Mr. HUBBARD of West Virginia: A bill (H. R. 32681) to amend section 1 of an act to regulate the times and manner of holding elections for Senators in Congress, approved July 25, 1866; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: A bill (H. R. 32682) for the relief of the Winnebago Indians of Wisconsin; to the Committee on Indian Affairs.

By Mr. PATTERSON: Memorial of the Legislature of South Carolina concerning election of United States Senators by the direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32683) granting an increase of pension to Darwin Thompson; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 32684) granting an increase of pension to Isaac F. Lakham; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 32685) granting an increase of pension to Bertha A. Mulhall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32686) for the relief of the estate of Philip Houser, deceased; to the Committee on War Claims.

By Mr. DAWSON: A bill (H. R. 32687) for the relief of Julius M. McCoskry; to the Committee on Military Affairs.

Also, a bill (H. R. 32688) granting an increase of pension to Peter Golden; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 32689) granting an increase of pension to William Brown; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 32690) granting an increase of pension to Mary A. Bullard; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 32691) granting an increase of pension to Sherwood C. Bowers; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 32692) granting an increase of pension to John Frank; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 32693) granting a pension to John W. Sturm; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 32694) granting an increase of pension to Charles K. Beecher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32695) to correct the military record of Benjamin Taylor, alias Schofield; to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 32696) for the relief of Bethesda Baptist Church, of Bamberg County, S. C.; to the Committee on War Claims.

By Mr. PICKETT: A bill (H. R. 32697) granting an increase of pension to Asa L. Bushnell; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 32698) granting an increase of pension to William R. Wallis; to the Committee on Invalid Pensions.

By Mr. MITCHELL: A bill (H. R. 32699) granting an increase of pension to Abram H. Bedell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Americus Club, of Buffalo, N. Y., and Common Council of Buffalo, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ANDERSON: Petition of the Los Angeles County Osteopathic Society, against the Mann, Owen, and Creager health bureau bills; to the Committee on Interstate and Foreign Commerce.

By Mr. ANSBERRY: Petition of business firms of Oakwood, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce and Manufacturers' Club, of Buffalo, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of the members of the Barbers' Union, No. 114, of Newark, Ohio, requesting the construction of the battleship *New York* in a Government yard; to the Committee on Naval Affairs.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of New York Mercantile Exchange, Chamber of Commerce, and Manufacturers' Club, for reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Los Angeles County Osteopathic Society, against the Owen, Mann, and Creager bills relative to health bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Paper to accompany bill for relief of Ernest S. Cash; to the Committee on Pensions.

By Mr. COOPER of Pennsylvania: Petition of Washington Camp No. 787, Patriotic Order Sons of America, of Waynesboro, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the twenty-third congressional district of Pennsylvania, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of Otto Windorf and other citizens of Wisconsin, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. COVINGTON: Petition of ship owners and masters in Maryland, favoring Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of Robert R. Smallfield and six other citizens and firms of Davenport, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DIEKEMA: Petition of officers and enlisted men of the Third Battalion, Second Infantry Michigan National Guard, for the militia pay bill; to the Committee on Militia.

By Mr. DODDS: Petition of citizens of Grand Traverse County, Mich., favoring extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of Los Angeles County Osteopathic Society, against the Owen, Mann, and Creager bills; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Wisconsin, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Local No. 145, of La Crosse, for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FLOYD of Arkansas: Petition of citizens of first congressional district of Missouri, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petitions of Washington Camp No. 573; Washington Camp No. 645, of Orrstown; and Washington Camp No. 494, of Port Royal, Patriotic Order Sons of America, in the State of Pennsylvania, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of A. E. Jacobs and others, of Malta, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Los Angeles County Osteopathic Society, against a Federal department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of International Association of Machinists, for the eight-hour law and construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Capt. Edw. A. Sanger, of Woodstock, Ill., for the militia pay bill; to the Committee on Militia.

Also, petition of Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Progress Chapter of the American Women's League, of Sandwich, Ill., for the Lewis claims; to the Committee on Claims.

Also, petition of the American Embassy Association, for the Lowden bill, H. R. 30888; to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: Petition of James F. Gardner and 26 other residents of Haverhill, Mass., for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Lucans Council and Enterprise Council, Junior Order United American Mechanics, for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Laurel Grange, No. 161, of West Newbury, Mass., for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of Council of the Union of American Hebrew Congregations, relative to refusal of the Russian Government to honor American passports and urging abrogation of the Russian treaty unless American passports are uniformly honored by Russian Government; to the Committee on Foreign Affairs.

By Mr. HAMILTON: Petition of Local Union No. 164, United Association of Plumbers, Gas and Steam Fitters, of St. Joseph, Mich., urging building of battleship *New York* in Government yard; to the Committee on Naval Affairs.

Also, petition of Constantine Grange, No. 236, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of Farmers' Cooperative Co. and 13 others, of Pipestone, Minn., against removal of duty on barley; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of North Dakota on rural post-office routes, for increase of salary for rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of legislative committee of the National Grange of Concord, N. H., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, for amendment of section 121 of Article V of the Constitution by striking out the word "male;" to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petitions of citizens of Moody and J. G. Altorf Co., of Marlin, in the State of Texas, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HUFF: Petition of Branch No. 83, Glass Bottle Blowers' Association, of Butler, Pa., for House bill 29806; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES: Petitions of citizens of De Mossville, Portland, Indian Head, Dodge, and Louisville, in the State of Kentucky, for enactment of more restrictive immigration laws; to the Committee on Immigration and Naturalization.

By Mr. KENDALL: Petitions of citizens of Oskaloosa, Hillsboro, Hynes, Hesper, Richland, New Sharon, Kanawha, Grinnell, Marshalltown, and New Providence, in the State of Iowa, against fortifying the Panama Canal; to the Committee on Railways and Canals.

By Mr. KNAPP: Petition of citizens of Clayton, N. Y., against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Carthage (N. Y.) Board of Trade League, against the adoption of the proposed reciprocal tariff legislation with Canada; to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of Metal Trades Council, Newark, N. J.; Brotherhood of Electrical Workers, Jersey City; International Association of Machinists of West Hoboken and Jersey City, for construction of battleship *New York* in the Brooklyn Navy Yard and for the eight-hour clause; to the Committee on Naval Affairs.

By Mr. LAFEAN: Petition of Washington Camp No. 159, Patriotic Order Sons of America, East Berlin, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LATTA: Petition of J. H. Loomer and others, of Knox County, Nebr., against the passage of Senate bill 404 and House joint resolution 17; to the Committee on the Judiciary.

Also, petitions of Beller Bros., of Norfolk; V. A. Nadorost and 13 others, of Verdigris; Wilson Bros. & Co. and 13 others, of Allen; Chris Asmussen and 13 others, of Craig; J. M. Young and others, of Craig; John B. Sarger and 13 others, of Edwards; A. L. Scutt and 13 others, of Leigh; D. McManus & Son and 33 others, of Lyons, all in the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. LOWDEN: Petition of Methodist Episcopal Church, Pleasant Hill, Ill., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. MCCREDIE: Petition of Legislature of Washington, relative to tariff revision, urging careful consideration of same; to the Committee on Ways and Means.

By Mr. McHENRY: Petition of Washington Camp No. 19, Patriotic Order Sons of America, of Sunbury, Pa., urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McKINNEY: Petition of Carpenters' Union No. 1883, of Macomb, Ill., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of United Presbyterian Church of Stronghurst, for Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Railway Lodge, No. 695, International Association of Machinists, of Rock Island, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of business men of Nebraska City, Falls City, and Plattsmouth, against parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Stella and business men of Barr, Douglas, and Auburn, favoring Senate bill 3776, placing express companies under Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of Hair Spinners' Protective Union, No. 12347; of Waynesboro Council, No. 760; and E. W. Sisley, Fayette City, Pa., for illiteracy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of James J. Judge, for battleship construction in Government navy yards; to the Committee on Naval Affairs.

Also, protests of C. H. Coburn, S. Ehemann, A. Salter, I. M. Vanderberry, E. J. Kessilmeyre, Conrad L. Haessler, M. Christmas, H. F. Lamborn, W. Quinn, C. M. Snow, K. C. Russell, J. W. Lawhead, M. E. Cooke, Rembrandt P. Morris, P. S. Ingersoll, and others, against Sunday rest bill; to the Committee on the District of Columbia.

By Mr. PALMER: Petitions of Local Councils Nos. 255 and 760, Junior Order United American Mechanics; Washington Camps Nos. 483 and 524, and McKinley Commandry, No. 16, Patriotic Sons of America; and Local Unions Nos. 268 and 768, United Brotherhood of Carpenters and Joiners, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 106, International Union of Slate Workers, of Bangor, Pa., for repeal of the oleomargarine tax; to the Committee on Agriculture.

By Mr. POINDEXTER: Petition of Legislature of State of Washington, against change in tariff without careful investigation of facts concerning same as applied to the industries of the Northwest; to the Committee on Ways and Means.

By Mr. REEDER: Petition of Los Angeles County Osteopathic Society, against the Mann, Owen, and Creager national health bills; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of citizens of Illinois, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of Central Federated Union, for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of Los Angeles County Osteopathic Society, against Mann, Owen, and Creager national health bureau bills; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEFFIELD: Petition of the Society of Friends in America, of Providence, R. I., deploring the proposal to fortify the Panama Canal and favoring its neutralization by international agreement; to the Committee on Military Affairs.

By Mr. SIMMONS: Petition of Niagara (N. Y.) Farmers' Club, indorsing the Simmons bill (H. R. 897) regulating importation of Jersey stock; to the Committee on Agriculture.

Also, petition of Niagara Falls Board of Trade and Republican electors of the town of Java, Wyoming County, and Wyoming County Pomona Grange, in the State of New York, protesting against the confirmation of the proposed reciprocity agreement with Canada; to the Committee on Ways and Means.

Also, petition of Batavia Typographical Union, No. 511, favoring Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of H. N. Smith; Charles Jones and 9 other residents of Oakland County; Mrs. Bertha Stocking and 15 other residents of Osceola County; Allegan County Grange, Allegan County; D. C. Wells and 16 other residents of Ottawa County; Nunica Grange, No. 1329, of Nunica; James Snell and 25 others, of Delta County; P. J. Dean and 28 others, of Midland and Saginaw Counties; P. J. Haley and 20 other residents of Saginaw County; Olle Sogge and 15 others, of Grand Traverse County; and Nels W. Oleson and 8 others, of Leelanau County, all in the State of Michigan, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Petition of citizens of Texas, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEENERSON: Protest of Henry Feig, of Atwater, Minn., against the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of postal clerks of the tenth division, relative to service and pay of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of Samuel C. Hayes, of Nielsville, Polk County, Minn., against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Berlin (N. H.) Board of Trade, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SULZER: Petition of National Wholesale Dry Goods Association of New York, favoring a permanent tariff commission; to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petitions of sundry citizens of the twenty-fifth congressional district of the State of Illinois, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of twenty-fifth congressional district of Illinois, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of citizens of Connecticut, for the eight-hour working day and for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of Pattern Makers' Association, for repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Hartford Board of Trade, for an appropriation of \$177,000 to widen the Connecticut River between Hartford and the Sound; to the Committee on Rivers and Harbors.

By Mr. WEEKS: Resolutions of National Board of Trade at its forty-first annual meeting in Washington, D. C., January 17, 18, and 19, 1911, as to legislation upon various matters of national importance; to the Committee on the Judiciary.

By Mr. WEISSE: Petition of H. E. Braemer, against repeal of tariff on barley; to the Committee on Ways and Means.

Also, petition of W. S. Burgess and citizens of Wisconsin, against a parcels-post system; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, February 10, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

POCATELLO NATIONAL FOREST.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9566) to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve, which were, in line 8, to strike out "is" and insert "are;" in line 10, to strike out "reserve;" and to amend the title so as to read: "An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest."

Mr. BURNHAM. I move that the Senate concur in the House amendments.

The motion was agreed to.

LAND IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, chairman of the commission to investigate the title of the United States to land in the District of Columbia, transmitting a report on the title to lot 20, square 253, assigned to the United States in the division between the public and the original proprietors of the city of Washington (S. Doc. No. 817), which was referred to the Committee on the District of Columbia and ordered to be printed.

CONSTITUTION OF NEW MEXICO.

The VICE PRESIDENT laid before the Senate a communication from the governor of the Territory of New Mexico, transmitting a certified copy of the constitution submitted to and ratified by the people of that Territory, together with a certified copy of the statement of votes cast thereon (H. Doc. No. 1369), which was referred to the Committee on Territories and ordered to be printed.

SENATOR FROM WYOMING.

Mr. WARREN presented the credentials of CLARENCE D. CLARK, chosen by the Legislature of the State of Wyoming a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3982. An act for the relief of David F. Wallace; and

H. R. 30566. An act for the appointment of Representatives in Congress among the several States under the Thirteenth Decennial Census.